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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

* * * * *
COMMONWEALTH OF MASSACHUSETTS
vs. Indictment No.
KAREN READ 2282CR00117
* * * * *

Day 10 - Trial with Jury
Before the Honorable Beverly Cannone

APPEARANCES:

For The Commonwealth:
BY: Adam Lally
Laura McLaughlin
Assistants District Attorney

For Karen Read:
BY: Alan Jackson
David Yannetti
Elizabeth Little
Attorneys at Law

Norfolk Superior Courthouse
Dedham, Massachusetts
Friday, May 3, 2024

Paula M. Mills
Retired Certified Court Reporter
and Court Transcriptionist

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P R O C E E D I N G SMay 3, 2024

(Court in session at 9:07 a.m.)

(Defendant present. Jury present.)

THE CLERK: Commonwealth v. Karen Read,
2282CR00117. Would counsel identify yourselves for
the record?

MR. LALLY: Adam Lally, for the Commonwealth.
Good morning, Your Honor.

THE COURT: Good morning.

MS. MC LAUGHLIN: Good morning, Your Honor.
Laura McLaughlin, for the Commonwealth.

THE COURT: Good morning, Ms. McLaughlin.

MR. JACKSON: Good morning, Your Honor.
Alan Jackson, for Ms. Read.

THE COURT: Good morning, Mr. Jackson.

MS. LITTLE: Good morning, Your Honor.
Elizabeth Little, also on behalf of Ms. Read.

THE COURT: Good morning, Ms. Little.

MR. YANNETTI: Good morning, Your Honor.
David Yannetti, for Karen Read.

THE COURT: Good morning, Mr. Yannetti. Good
morning, Ms. Read.

Good morning, jurors. I have to ask you those
same three questions. Were you able to follow the

1 instructions and refrain from discussing this case
2 with anyone since we left here yesterday?

3 Everyone says yes and nodded affirmatively.

4 Were you also able to follow the instructions
5 and refrain from doing any independent research or
6 investigation into this case?

7 Everyone said yes or nodded affirmatively.

8 Did anyone happen to see, hear or read
9 anything about this case since we left yesterday?

10 Everyone said no or shook their heads.

11 So while you bring your witness in, Mr. Lally,
12 I'd like to see counsel at sidebar for a brief
13 moment. If they could bring in Ms. McLaughlin,
14 please.

15 (Whereupon, there was a sidebar conference as
16 follows:)

17 THE COURT: Good morning. Come closer to the
18 microphones, please.

19 So a few things. So I was given copies, I
20 think, of Exhibits 26 and 379 from the defense this
21 morning. Do those contain all of the videos that
22 you intend to introduce as evidence?

23 MS. LITTLE: I provided the Court with the
24 copies of the ones that we had put side by side.

25 THE COURT: Okay. I want all the ones that

1 you intend to introduce. I don't want surprises
2 like this. So I know you can't get them today.
3 That's what -- I thought it was clear I wanted to
4 spend the time this weekend reviewing them.

5 MS. LITTLE: You want all of our exhibits for
6 the rest of trial?

7 THE COURT: The video ones, the ones that you
8 intend --

9 MS. LITTLE: Of the side-by-side?

10 THE COURT: Whatever you're playing for the
11 jury, not the print ones. I'm not concerned about
12 the print ones.

13 MR. JACKSON: Anything that's video.

14 THE COURT: Anything that's video.

15 MS. LITTLE: I believe the Commonwealth
16 already admitted the rest of the just regular dash
17 cam videos.

18 THE COURT: So nothing really is in evidence,
19 and that's part of what I'll talk about here for a
20 minute, as well.

21 Mr. Lally, I would like at least the
22 corresponding Commonwealth dash cam videos that the
23 Commonwealth has the original dash cam videos that
24 the Commonwealth has introduced. That's one.

25 The second thing is yesterday, Mr. Jackson,

1 you referred to the court reporter as "Nancy." We
2 are much more formal than that here generally. But
3 my big concern is that I've known Madam Court
4 Reporter for 35 years. I've never called her by
5 name, particularly in a case where people's
6 personal information has been put about on the
7 Internet. I cannot allow that. All right? I
8 don't think you meant anything by it.

9 MR. JACKSON: I certainly didn't --

10 THE COURT: I am not saying that you did. We
11 have to be extra careful about that.

12 The third thing is please come to sidebar
13 before any videos are played that I haven't seen
14 yet. Okay?

15 MR. LALLY: Sure.

16 THE COURT: What's been going on with the
17 exhibits, I know you've premarked a ton of exhibits
18 and I know Madam Court Reporter has been here all
19 day marking exhibits, close to 600. It's too
20 sloppy. We are going back to the old-fashioned
21 way.

22 Yesterday -- the exhibits are available for
23 the press on Tuesday and Thursday afternoons. That
24 wonderful person from the clerk's office here that
25 is doing that had the good sense to send it to me

1 beforehand. And the Exhibit No. 140, the fire
2 department report, when I reviewed it -- I don't
3 see these exhibits. Ordinarily, when exhibits are
4 introduced into evidence, I get to see it. I have
5 a copy of it. They are supposed to be held by the
6 clerk and held overnight. I don't know where these
7 exhibits are. And, if there are 600 of them, they
8 all need to be here. So we are going back to the
9 old-fashioned way because on page 1 of 5 of what's
10 been marked as Exhibit 160 -- and we are going to
11 mark this for identification for these purposes.

12 THE COURT REPORTER: That will be "G" for
13 Identification, Your Honor.
14 (Whereupon, Incident report, previously Exhibit No.
15 160, was entered and marked Exhibit "G" for
16 Identification.)

17 THE COURT: On page 1 of 5 is all of John
18 O'Keefe's personal identifying information. That
19 could have been on the front page of the *Globe*
20 today.

21 MS. LITTLE: It's not our exhibit.

22 THE COURT: It's got to be redacted. All
23 exhibits have to be redacted before they are
24 admitted into evidence. It may take a half a day.
25 We will break early if you need to do that. But

1 they have to be cleared. In a case that doesn't
2 have press interest, we let people do it maybe
3 later that day or the next day. It has to be
4 cleared. This never should have happened,
5 Mr. Lally.

6 MR. LALLY: Yes.

7 THE COURT: So it's not going to happen. All
8 right? So premarking exhibits is out. We are
9 going to do it the old-fashioned way. If you're in
10 agreement with exhibits, I still need to see them
11 beforehand before they come in.

12 MR. LALLY: Sure.

13 THE COURT: You don't need to go authenticate
14 everything if you're in agreement and it's obvious.

15 MR. LALLY: Got it.

16 THE COURT: And I don't need 100 pictures of
17 snow. I'm just saying. All right. The jurors
18 aren't going to look at 600 exhibits. I can't
19 imagine that they won't.

20 All right? So let's just move this case
21 along. I'm not interfering with how you try the
22 case, but I do have a role here and these are
23 important. All right? I was supposed to be gone.
24 I was glad I was still here. This could have just
25 gone out. Okay?

1 MR. JACKSON: Please apologize to Madam Court
2 Reporter. I certainly did not mean to offend.

3 THE COURT: Nobody thinks you meant it. And I
4 think it just underscores the point that the less
5 unnecessary chatter even during questions, the
6 better.

7 MR. JACKSON: Right.

8 THE COURT: There's less of a chance that this
9 could -- just ask a question and no comment, even
10 the CPR, you not being certified except as -- we
11 are not used to that here.

12 MR. JACKSON: Right.

13 THE COURT: And I really don't want it.

14 MR. JACKSON: Right.

15 THE COURT: Then there is less chance of a
16 problem.

17 MR. JACKSON: Okay.

18 THE COURT: All right. Thank you. Okay. We
19 will bring the witness in.

20 (Whereupon, the sidebar conference concluded.)

21 Whereupon,

22 KATIE MC LAUGHLIN, Resuming

23 having been first duly sworn, was examined and
24 testified under oath as follows:

25 THE COURT: Whenever you are ready,

1 Mr. Lally.

2 MR. LALLY: Thank you, Your Honor.

3 DIRECT EXAMINATION, Continued

4 BY MR. LALLY:

5 Q Good morning, ma'am.

6 A Good morning.

7 Q Now, I have a few more questions for you.

8 So if I could turn your attention to the period of
9 time you testified about yesterday, when you're --
10 Mr. O'Keefe is in the back of the ambulance.

11 With respect to his clothing, what, if any,
12 observations did you make in regard to that clothing?

13 A He had -- in terms of what he was wearing?

14 Q First in terms of what he was wearing, yes.

15 A He was wearing jeans. He had on a dark
16 colored light zip-up jacket, and I noticed one sneaker.

17 Q Now, with regard to that clothing, what, if
18 any, observations did you make in regard to the
19 condition of that clothing?

20 A It was soaked through.

21 Q Now, as far as tears or holes or anything else
22 with regard to that clothing, what, if any,
23 observations did you make of that?

24 A I didn't see any.

25 MR. LALLY: Ms. Gilman, if I could have

1 Exhibit No. 18, please.

2 May I approach the witness, Your Honor?

3 THE COURT: Yes.

4 BY MR. LALLY:

5 Q This is a laser pointer. Just press on that
6 button there.

7 A Okay.

8 Q Now, first, Firefighter McLaughlin, do you
9 recognize what's up on the screen as Exhibit 18?

10 A Do I recognize --

11 Q Do you recognize what it is?

12 A -- what it is?

13 Q Yes.

14 A Yes.

15 Q And what do you recognize this to be?

16 A The address of the call, 34 Fairview Road.

17 Q Now, with respect to this photograph, do you
18 observe where Mr. O'Keefe was on the ground when you
19 first arrived?

20 A From this angle, no, I don't.

21 Q And, if you could, if it's not on the
22 photograph, is it off to the left, right or where would
23 it be in relation to this photograph?

24 A To the left, I would say.

25 Q And about how far off frame do you believe it

1 was?

2 A I'm not sure. So my view of the call, my
3 reference point wasn't a house on either side. The
4 patient was off the road. So my view of this call was
5 the patient was on the side of the road. The only
6 thing that I noted was a fire hydrant.

7 So in relation to -- I know it was to the left
8 of the house, but I'm not sure exactly how far left it
9 would be from this picture, from this angle.

10 Q So your memory is to the left of the house,
11 near a fire hydrant; is that correct?

12 A Yes.

13 MR. LALLY: Thank you. I have no further
14 questions.

15 THE COURT: All right. Cross-examination?

16 MR. JACKSON: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. JACKSON:

19 Q Good morning, Ms. McLaughlin.

20 A Good morning.

21 Q You responded to the call of an unresponsive
22 male in the snow at 34 Fairview. That was the address
23 that you recall, correct?

24 A Correct.

25 Q The house you just looked at, that is, in

1 fact, 34 Fairview, right?

2 A Correct.

3 Q As Mr. O'Keefe was being transported by
4 ambulance, you were instructed by Firefighter Flematti
5 to get information about the victim from Karen Read,
6 correct?

7 A He wasn't being transported by the ambulance
8 at that time. He was on the stretcher. And Tony, who
9 was at the head of the stretcher, asked me to get
10 information from Ms. Read about the patient. But he
11 wasn't being transported in the ambulance at that time.

12 Q Who is Tony?

13 A Firefighter Flematti.

14 Q Got it. When you did, in -- did you follow
15 those directives?

16 A I did.

17 Q When you finally approached Ms. Read in order
18 to get that medical history as best you could, what did
19 the scene look like? Who was with you or around you?

20 A So they started to move the stretcher towards
21 the ambulance. Ms. Read was sort of -- I guess I would
22 describe it as moving around the scene. So she was
23 moving, kind of going in circles. So I was really just
24 focused on her, trying to get her to converse with me
25 and get those questions. So I wasn't really noticing

1 anything else at that point. I was more just trying to
2 contact her, just moving around.

3 Q What were you wearing at that time?

4 A I had my like winter fire jacket on.

5 Q What color is it?

6 A It's yellow and red.

7 Q Bright yellow for safety purposes?

8 A Yes.

9 Q When you began your actual questioning, once
10 everybody sort of stood still and you began your
11 questioning of Ms. Read, you were standing in one spot
12 and Ms. Read was standing to your right; is that right?

13 A Well, the questioning started. As I said, she
14 was moving around the scene. So the questioning was
15 ongoing as she was moving around to different
16 locations. I don't know exactly how many of the
17 questions I got out during the time that she was moving
18 around. At one point, we did come to a stop. And, at
19 that point, she was to my right.

20 Q That's the point I want to focus your
21 attention on if I could.

22 When you came to a stop, that's the point in
23 which you recall the statement being made that you
24 attribute to my client?

25 A Yes.

1 Q Okay. And, in that group, who was there? I
2 want to make sure I understand this exactly.

3 A So there was Ms. Read to my right. There was
4 a civilian woman to my left. There was a police
5 officer who was not directly across from me but I would
6 say maybe diagonal to me, closer to Ms. Read.

7 MR. JACKSON: Your Honor, I am holding a
8 photograph that has been shown to the Commonwealth.
9 May I approach briefly?

10 THE COURT: Yes.

11 BY MR. JACKSON:

12 Q I show you, Ms. McLaughlin, a still
13 photograph. I'm going to ask you to take a quick look
14 at that photograph and look up after you've studied it
15 for a second and tell me if you recognize the people
16 that are in that photograph.

17 A I recognize people.

18 MR. JACKSON: May I publish, Your Honor?

19 THE COURT: Yes.

20 MR. JACKSON: Thank you.

21 THE COURT: Is this a new exhibit or are you
22 moving to introduce it?

23 MR. JACKSON: I'm moving to introduce it. It
24 has not been introduced as yet.

25 THE COURT: So go ahead and have the witness

1 adopt it.

2 MR. JACKSON: Sure.

3 BY MR. JACKSON:

4 Q Do you see the person closest to the frame,
5 closest to the camera?

6 A Yes.

7 Q In what appears to be a yellow-and-red jacket?

8 A Yes.

9 Q Who is that?

10 A That would be me.

11 Q Who is to your right?

12 A It appears to be Ms. Read.

13 Q And to your left?

14 A A civilian woman.

15 Q And across, as you said, kind of diagonal,
16 closer to Ms. Read is?

17 A A police officer.

18 Q Do you know that officer's name, by the way?

19 A I don't know his name.

20 MR. JACKSON: Your Honor, with that, I'd ask
21 that that be marked as next in order.

22 THE COURT: Is there any objection?

23 MR. LALLY: No objection.

24 THE COURT: So we are going to remark these
25 exhibits today because of the problems that I

1 indicated at sidebar. How do you want to do this?

2 Folks, it's my responsibility to make sure
3 that the record is intact. You've heard Nos. 1, 3,
4 309, 247. We need to straighten this out to make
5 sure it is appropriate for you.

6 You know what? Madam Court Reporter, just
7 mark it as the next exhibit number, whatever in the
8 100s that is, and we will take care of this later
9 today. We don't want to waste your time, folks,
10 while we do this. It's very important that we do
11 it.

12 THE COURT REPORTER: This will be Exhibit 381.

13 THE COURT: All right. So was there any
14 objection to that from the Commonwealth?

15 MR. LALLY: No.

16 (Whereupon, photograph was entered and marked
17 Exhibit No. 381 in Evidence.)

18 MR. JACKSON: Thank you, Your Honor. May I?

19 THE COURT: Yes.

20 MR. JACKSON: Thank you.

21 BY MR. JACKSON:

22 Q Ms. McLaughlin, this is the time or the scene
23 that you've told us about when you heard the statement
24 that you contributed to my client, correct?

25 A I'm sorry. Say that again?

1 Q Sure. This is a moment in time, captures a
2 moment in time when you're standing there. To your
3 right is Karen Read, as you've described. To your left
4 is a civilian female which you've described, and across
5 from you is an officer which you've also described?

6 A Yes.

7 Q So this would be the time or close in time to
8 the time that you heard the statement that you
9 attributed to Ms. Read, correct?

10 A Yes.

11 Q The first time you ever made that official
12 report or an official report to law enforcement
13 regarding that statement was January 30th, 2022,
14 correct?

15 A Well, yes and no. The statement was made in
16 front of the police officer. So that would technically
17 be the first time that that statement was made to a
18 police officer in my presence. And then, yes, I
19 testified to it on January 30th.

20 Q You said it on January 30th. You weren't
21 testifying under oath, correct?

22 A Okay.

23 Q Is that correct?

24 A Yes.

25 Q My question was really -- and I appreciate you

1 clarifying. My question was really the first time you
2 actually told this statement to any law enforcement was
3 on January 30th?

4 A Yes.

5 MR. JACKSON: We can take that down.

6 BY MR. JACKSON:

7 Q That was when you met with Trooper Michael
8 Proctor, correct?

9 A Yes.

10 Q Obviously, that was very close in time to the
11 event. It was the next day; is that right?

12 A Yes.

13 Q The events were close --

14 A The 29th. Yeah.

15 Q Say it again?

16 A So it would be the next day.

17 Q Right. The 29th, 30th?

18 A Yes.

19 Q The events were fresh in your mind at that
20 time?

21 A Yes.

22 Q You obviously knew about the importance of
23 that interview? You knew that it deal with a police
24 officer who had passed?

25 A I knew it was important to talk to the police

1 about what I heard.

2 Q And you wanted to be accurate?

3 A Yes.

4 Q You wanted to be as detailed as you possibly
5 could?

6 A Yes.

7 Q And you understand that memories, obviously,
8 they get a little worse with time, not better with
9 time, right?

10 A Sure.

11 Q The closer in time you are to the event, the
12 fresher your memory is going to be about the details of
13 that event. You would agree with that, right?

14 A Sure.

15 Q You told Trooper Proctor the day after the
16 event on January 30th that the statement that you
17 attribute to my client was actually made to the female,
18 not to you, in response to your questioning? That's
19 what you told Trooper Proctor, correct?

20 A I don't have those notes in front of me. So I
21 don't know that I can tell you if that's correct. But
22 the statement was made in response to my question.
23 However, Ms. Read was looking at the civilian woman as
24 she said that.

25 Q Okay. Does it refresh your recollection that

1 what you told --

2 THE COURT: Show her a document.

3 MR. JACKSON: May I approach?

4 THE COURT: Yes.

5 BY MR. JACKSON:

6 Q Take a look at the highlighted portion of that
7 report and look up when you're finished.

8 A Okay.

9 MR. JACKSON: May I?

10 THE COURT: Yes.

11 BY MR. JACKSON:

12 Q Does that refresh your recollection about what
13 you told Trooper Proctor on January 30th?

14 A Yes.

15 Q And you told Trooper Proctor (as read), "Karen
16 then turned to her friend and stated" --

17 THE COURT: Hold on. I'll see you at sidebar.

18 (Whereupon, there was a sidebar conference as
19 follows:)

20 THE COURT: How long is the statement? Does
21 she need it in front of her?

22 MR. JACKSON: No. It's one sentence, Your
23 Honor.

24 THE COURT: Okay. Go ahead.

25 MR. JACKSON: Thank you.

1 (Whereupon, the sidebar conference concluded.)

2 MR. JACKSON: May I, Your Honor?

3 THE COURT: Yes.

4 BY MR. JACKSON:

5 Q In fact, what you told Trooper Proctor was (as
6 read), "Karen then turned to her friend and stated, 'I
7 hit him. I hit him. I hit him. I hit him,'" end
8 quote. Correct?

9 A Okay.

10 Q Is that yes?

11 A Yes, if you're saying that's in quotation
12 marks in that thing, yes.

13 Q That's what's in the report.

14 A Okay.

15 Q You don't have to agree with me. I'm asking
16 yes-or-no questions, not okay.

17 A Yes.

18 Q Okay. Thank you.

19 So, in fact, what you told Trooper Proctor was
20 that Karen Read looked at the female to your left and
21 said four times, I hit him. I hit him. I hit him. I
22 hit him. Correct?

23 A Yes.

24 Q And have you since learned the name or
25 identity of the female that was standing to your left?

1 A No.

2 Q You're aware that the female that was standing
3 to your left reported the exact same statement?

4 A No.

5 Q Are you aware that the female standing to your
6 left reported that exact same statement as could I have
7 hit him, did I hit him, did I hit him?

8 A No. I'm not aware of that.

9 Q You then went back to the ambulance after you
10 heard that statement, what you believed you heard my
11 client state?

12 A Yes.

13 Q You opened the ambulance door, correct?

14 A Yes.

15 Q That was the back door?

16 A The side door.

17 Q The side door. And there were two officers --
18 I'm sorry -- two firefighter/paramedics in that
19 ambulance at the time, correct?

20 A I believe there were more than two at that
21 time.

22 Q Two of them included Firefighter Nuttall and
23 Firefighter Flematti?

24 A Yes.

25 Q And, at that point, you told them what you

1 believed you had just heard?

2 A So I went into the back of the ambulance. I
3 said, this is his name. This is his date of birth.
4 She says he doesn't have any medical history or
5 allergies, doesn't take daily medications. And then I
6 said, she's saying, I hit him.

7 And Firefighter Nuttall motioned to his face
8 and said something --

9 MR. JACKSON: Objection, Your Honor.

10 THE COURT: Ask another question.

11 BY MR. JACKSON:

12 Q So the answer to my question is, yes, you told
13 in front of Flematti and Nuttall the phrase "I hit
14 him"?

15 A Yes.

16 Q Did you write that in any report?

17 A I don't write a report in this scenario. My
18 job --

19 Q So the answer is no?

20 THE COURT: Let her finish the answer, please.

21 THE WITNESS: So there are two people that
22 will write reports in my department on a call, one
23 being the lead paramedic and the other being the
24 officer who is on scene. So those are the people
25 that write reports. And I was neither of those.

1 So I did not write that in the report. That's
2 correct.

3 BY MR. JACKSON:

4 Q So let me ask the question again. You didn't
5 write it in any report?

6 A No.

7 Q You didn't write it in any note?

8 A No.

9 Q You didn't document that statement in any way
10 whatsoever, correct?

11 A Other than my interview with Proctor and my
12 subsequent testimony.

13 Q You didn't document that statement in any way,
14 yourself, did you?

15 A No.

16 Q Since January 30th and that conversation that
17 we just talked about with Trooper Proctor, your
18 statement has evolved; is that right?

19 A I don't know how to answer that.

20 Q Well, you testified yesterday to something
21 quite different --

22 A Not quite different.

23 Q -- than what you stated to Trooper Proctor,
24 didn't you?

25 A Respectfully, I think my testimony has been

1 pretty consistent.

2 Q You testified to something yesterday quite
3 different in context than what you told Trooper
4 Proctor; isn't that right?

5 A I don't know that that's right.

6 Q Well, you told Trooper Proctor that
7 Karen Read looked at a female standing to your left and
8 said, I hit him. I hit him. I hit him. I hit him.
9 Right?

10 A Yes.

11 Q Yesterday, you told these jurors that
12 Karen Read said, I hit him, and an officer said, you
13 what? And she repeated, I hit him. And the officer
14 immediately turned and went to find another sergeant.
15 Is that right or no? Yes or no.

16 A No. There was more to that testimony.

17 Q That's not what you said yesterday?

18 A I think I said more than what you just
19 repeated.

20 Q Is what I said consistent with what you said
21 yesterday? There were a lot of things that you said
22 more of. I'm asking is that the sum and substance of
23 what you told these jurors yesterday?

24 A Yes.

25 Q So you would agree that from that time until

1 yesterday, your story has evolved; it's changed?

2 A Would I agree with that?

3 Q No?

4 A I don't know that I agree with that.

5 Q You think the story that you told

6 Trooper Proctor is exactly the same story --

7 A I understand what you're saying. I understand
8 what you're saying.

9 Q So has your story evolved?

10 A Okay. Yes.

11 Q Okay. Ms. McCabe, who is Caitlin Albert?

12 A I went to high school with somebody named
13 Caitlin Albert.

14 Q With somebody named Caitlin Albert?

15 A I went to high school with somebody named
16 Caitlin Albert.

17 Q Okay. So do you know Caitlin Albert?

18 A I do.

19 Q Are you friends with Caitlin Albert?

20 A I would say more acquaintances, not close
21 friends.

22 Q How do you describe an acquaintance?

23 A I would say that we have mutual friends. So
24 we might see each other occasionally because of mutual
25 friends. But we don't have a one-on-one friendship or

1 hang out regularly.

2 Q Who is her dad?

3 MR. LALLY: Objection.

4 THE WITNESS: I don't know.

5 THE COURT: The objection is sustained.

6 BY MR. JACKSON:

7 Q Do you know who her family is?

8 MR. LALLY: Objection.

9 THE COURT: Sustained.

10 MR. JACKSON: May we approach, Your Honor?

11 THE COURT: Yes.

12 (Whereupon, there was a sidebar conference as
13 follows:)

14 THE COURT: What is the objection?

15 MR. LALLY: Relevance.

16 THE COURT: How do you respond to that?

17 MR. JACKSON: This witness has a deep
18 friendship with Caitlin Albert. She knows the
19 Albert family. We have photographs of her
20 traveling with Caitlin Albert, going to the beach
21 with Caitlin Albert, going --

22 THE COURT: How old are those photographs?

23 MR. JACKSON: I'd say probably -- they are
24 adults. She's only mid-20s or so. I won't ask her
25 her age, but they can't be more than a couple of

1 years old, two or three years old, I would guess.
2 They have social media accounts with their friends.
3 They tag each other. They vacation together. They
4 drink together. They socialize together. She is
5 diminishing the relationship between Caitlin Albert
6 and her knowledge of the Albert family. I think
7 she knows the Albert family. I know she knows the
8 Albert family, and she knew where -- the import of
9 34 Fairview Road. I don't believe it's the first
10 time she's ever been to 34 Fairview.

11 THE COURT: So you can focus on that. The
12 other is too extreme. It's not relevant and it's
13 certainly not probative.

14 MR. JACKSON: That she knows the family or --

15 THE COURT: The house. You say it's relevant
16 to the house, her being at the house, and she knows
17 the family and she's been to the house. You can do
18 that, social media, traveling together. Is Caitlin
19 Albert going to testify?

20 MR. LALLY: Yes.

21 THE COURT: She was just one of the people at
22 the house that night?

23 MR. LALLY: Correct.

24 MR. JACKSON: She was also at the Waterfall
25 bar that night.

1 THE COURT: Yes. It's not probative. If any
2 relevance, there's a little bit of a stretch, too.
3 But I'll let you get into that she knows her and
4 she's been to that home before.

5 MR. JACKSON: Just so we don't have to
6 approach sidebar again, I've got photographs of
7 them together. May I mark those?

8 THE COURT: You can mark them for
9 identification.

10 MR. JACKSON: And show them to her?

11 THE COURT: No.

12 MR. LALLY: Your Honor, for the record, I have
13 never seen any of this. I don't even know what
14 counsel is talking about as far as photographs and
15 social media.

16 MR. JACKSON: But because it's impeachment.

17 THE COURT: But if you knew you were going to
18 use it, you have an obligation --

19 MR. JACKSON: I didn't know.

20 THE COURT: Hold on.

21 (Whereupon, there was a pause in the sidebar
22 conference.)

23 THE COURT: Jurors, we are going to send you
24 out. Mr. Court Officer, 10 minutes.

25 THE COURT OFFICER: Yes.

1 (Whereupon, the jurors are escorted from the
2 courtroom.)

3 (Whereupon, the sidebar conference continued as
4 follows:)

5 THE COURT: Show them the photographs, and
6 we'll have a short voir dire. We'll come back out
7 in five minutes.

8 (Whereupon, the sidebar conference concluded.)

9 THE COURT: Ms. McLaughlin, I am going to step
10 out for a minute. Show them what you have and let
11 a court officer know when you're ready.

12 (Whereupon, there was a brief recess taken.)

13 (Court resumes.)

14 (Defendant present. Jury not present.)

15 THE COURT: All right. So, Mr. Jackson, let's
16 mark for identification the items that you told us
17 about at sidebar.

18 MR. JACKSON: The first one would be a -- do
19 you want me to describe them for the record, Your
20 Honor?

21 THE COURT: No. So they are not to be put up
22 on the screen.

23 MR. JACKSON: These are four items. One of
24 them --

25 THE COURT: Don't describe them. I need to

1 see them. So let's bring them up and mark them for
2 identification, Madam Clerk. Then we will give
3 them back. But I need these marked for
4 identification, and I need to see them. So we will
5 mark them first.

6 (Whereupon, photographs were entered and marked
7 Exhibits "H" through and including "K" for
8 Identification.)

9 THE COURT REPORTER: That will believe "H"
10 through "K" for Identification.

11 THE COURT: All right. So we have four pieces
12 of paper marked for identification that appear --
13 you got these off of social media sites,
14 Mr. Jackson?

15 MR. JACKSON: That's correct.

16 THE COURT: Okay. When did you get these?

17 MR. JACKSON: I couldn't tell you the exact
18 date, but it's been -- we've roughly had them for
19 between six months and a year.

20 THE COURT: Okay. Commonwealth, you've not
21 seen these before?

22 MR. LALLY: No, Your Honor.

23 THE COURT: All right. So we will talk about
24 Rule 14 in a little bit. But we will bring the
25 witness in. You can ask her questions,

1 Mr. Jackson, about her vacation that you mentioned,
2 her -- the drinking that you talked about, the
3 relationship with Ms. Albert. I've forgotten her
4 first name already.

5 MR. JACKSON: Caitlin.

6 THE COURT: Caitlin, and about the house. So
7 you can ask her questions about that. You can show
8 her these exhibits or these marked for
9 identification if you need to. You may have
10 trouble actually getting those into evidence, but
11 I'm going to let you find out. You can ask her to
12 identify them, how long ago they were and things
13 like that.

14 MR. JACKSON: Thank you.

15 THE COURT: Could we bring in Ms. McLaughlin,
16 please.

17 MR. JACKSON: May I approach?

18 THE COURT: Yes. And, Commonwealth, you just
19 saw these today?

20 MR. LALLY: Yes, I did.

21 THE COURT: And you objected at sidebar that
22 these come in?

23 MR. LALLY: Correct.

24 THE COURT: Mr. Jackson, here is the last one.

25 So, Ms. McLaughlin, Mr. Jackson is going to be

1 allowed to ask you questions outside of the
2 presence of the jury. And you're still under oath
3 and you have to answer truthfully. Okay?

4 THE WITNESS: Okay.

5 KATIE MC LAUGHLIN, Resuming

6 VOIR DIRE EXAMINATION

7 BY MR. JACKSON:

8 Q Ms. McLaughlin, just briefly as a predicate,
9 when you stepped out, I just want to make sure we are
10 very clear, did you have a conversation with anybody
11 from the Commonwealth between the time you walked out
12 of court and just now?

13 A Just about if I needed a drink of water or to
14 use the restroom.

15
16 Q Okay. But nothing about the substance of your
17 testimony?

18 A No.

19 Q Ms. McCabe, I asked you before we broke if you
20 know who Caitlin Albert is.

21 A Yes.

22 Q You said that you went to high school with
23 somebody by that name, correct?

24 A Yes.

25 Q You, in fact, know that person as a friend,

1 correct?

2 A I know her.

3 Q She is more than an acquaintance?

4 A I would say she's an acquaintance. She is not
5 a close friend.

6 Q Is she in a group of friends of yours?

7 A We have mutual friends.

8 Q How long have you known her?

9 A Probably since high school.

10 Q And I don't want to ask your age. I wouldn't
11 do that. How long of a span of years have you known
12 her?

13 A Since high school. So maybe 10.

14 Q And you know her family generally?

15 A I don't.

16 Q You don't know anything about her family?

17 A I don't know her family.

18 Q Had you ever been to her house?

19 A Not that I recall being there.

20 Q Not that you recall or you haven't? It's two
21 different things.

22 A I don't recall ever being there.

23 Q Okay. So you might have been there. You just
24 don't recall?

25 A I don't recall ever being there.

1 Q Okay. If I were to ask you if you have ever
2 been to her house, yes or no, you cannot answer that
3 because you don't know? You cannot recall, correct?

4 A I would say -- I mean, I would lean towards
5 no. I have no recollection of ever being at her house.

6 Q Are you friends with her on social media?

7 A Yes.

8 MR. JACKSON: May I approach, Your Honor?

9 THE COURT: Yes.

10 BY MR. JACKSON:

11 Q I am just going to leave all four of these up
12 here. I know what they look like.

13 Can you do me a favor and take a look at the
14 first document. What does that document appear to be?

15 A It says, "Caitlin's friends."

16 Q What does it look like that's a printout of?

17 A I'm sorry?

18 Q What does that look like it's a printout of?
19 Does that look like it's Facebook or one of the social
20 medial apps?

21 A Yeah. I don't know exactly. Some social
22 media.

23 Q Okay. Under "Caitlin's friends," do you see
24 your handle, for lack of a better phrase?

25 A I do.

1 Q Okay. Is that you?

2 A Yes.

3 Q Okay. Can you look at the next photograph?

4 A (Witness complies.)

5 Q Before we talk about that next photograph,

6 which is --

7 MR. JACKSON: I should go in order for the
8 record, Your Honor.

9 THE COURT: Yes.

10 MR. JACKSON: The first one was "H."

11 BY MR. JACKSON:

12 Q Before we talk about "I," which is the next
13 photograph, how long have you been social media
14 friends, quote, "friends" with Caitlin Albert?

15 A I don't know.

16 Q More than five years?

17 A Probably.

18 Q More than eight years?

19 A I don't know.

20 Q The second photograph or the second document
21 appears to be a photograph. It's "I"; is that right?

22 A Yes.

23 Q Do you see yourself in that photograph?

24 A I do.

25 Q Do you see Caitlin in that photograph?

1 A I do.

2 Q When was that photograph taken?

3 A I have no idea.

4 Q Where was that photograph taken?

5 A I don't know.

6 Q You have no idea how long ago that was?

7 A I don't.

8 Q What was the event that is depicted in that
9 photograph?

10 A I don't know.

11 Q Is that local or was that on a trip somewhere?

12 A I don't know. Probably local if it's a beach.
13 I've never been away like to a beach on a vacation with
14 all of these people. So probably local.

15 Q And, when we say "local," let's talk about
16 local. I don't mean -- we may have different
17 definitions.

18 Where would that be? What beach? I'm not
19 that familiar with the location.

20 A I'm not sure.

21 Q Maybe down the Cape?

22 A Possibly.

23 Q Do you recognize some of the other folks in
24 that photograph?

25 A I do.

1 Q As a matter of fact, there's a lot of people
2 in that photograph, right?

3 A There's a lot of people in it.

4 Q Did you take a trip with all those people at
5 some point in the past?

6 A Take a trip?

7 Q To the beach.

8 A Did I go to the beach at some point with these
9 people? Yes.

10 Q Okay. When did you go to the beach with all
11 these folks?

12 A I don't know. I don't know when this picture
13 is from. It seems old to me.

14 Q Well, you can see yourself?

15 A Yes.

16 THE COURT: I'm sorry. Did you says it seems
17 old to you?

18 THE WITNESS: Yeah, to me. This isn't like
19 recent to me.

20 BY MR. JACKSON:

21 Q How old do you think that photograph is?

22 A I don't know. It could be around high school.
23 I'm not sure.

24 THE COURT: And I know Mr. Jackson didn't want
25 to ask you how old you are. When did you get out

1 of high school?

2 THE WITNESS: 2014.

3 THE COURT: Okay.

4 BY MR. JACKSON:

5 Q So could that have been around 2014?

6 A It could be.

7 Q So you've known Caitlin for at least that
8 long?

9 A Yes.

10 Q And, when I say "travel" I mean travel outside
11 of Canton. You've gone places with her, correct?

12 A Yes.

13 Q You've posed for photographs with her?

14 A Yes.

15 Q With other folks?

16 A Yes.

17 Q It looks like socializing and partying,
18 correct?

19 A It looks like socializing.

20 Q Like a small vacation?

21 A I've never been on vacation with a big group
22 of people like this.

23 Q What would you call that if that's not like a
24 mini-vacation?

25 A A day at the beach.

1 Q A day at the beach. Okay. So maybe a day-
2 vay, day vacation?

3 A Sure.

4 Q Okay. Let's look at the next photograph, "J."

5 MR. JACKSON: May I approach, Your Honor?

6 THE COURT: Yes.

7 MR. JACKSON: I need to remind myself which
8 one that is.

9 BY MR. JACKSON:

10 Q Okay. That photograph looks a little older,
11 correct?

12 A They both look old to me. I don't know when
13 they're from.

14 Q I'm going to ask you the same questions about
15 that. These aren't trick questions. I don't want to
16 waste your time. What is that from?

17 A I don't remember specifically what or where
18 this is.

19 Q Do you see yourself in that photograph?

20 A I do.

21 Q Do you see Caitlin in the photograph?

22 A I do.

23 Q You're all posing for the camera, correct?

24 A Yes.

25 Q What is the location?

1 A I don't know.

2 Q No idea?

3 A I don't.

4 Q This is yet another socializing event with
5 Caitlin that you can't recall?

6 A I don't know where this is exactly.

7 Q Is that because -- I'm sorry. I didn't mean
8 to step on your words. Go ahead.

9 A I don't know where this is exactly.

10 Q So you've had so many socializing events with
11 Caitlin and other folks that you can't pinpoint this
12 one as opposed to any of the others that you've had?

13 A No. I'm saying I can't -- these photos are
14 old. I don't know. I don't remember where these were
15 or the circumstances around them. That's what I'm
16 saying.

17 Q Do you see how you're dressed in that photo?

18 A Yes.

19 Q Do you see the other friends that are there
20 with you?

21 A Yeah.

22 Q How many people would you estimate are in that
23 photo?

24 A Do you want me to count how many people?

25 Q I don't have the photo in front of me. So

1 just give me -- is it more than five?

2 A Twelve-ish.

3 Q Twelve people. Okay. Do you recognize those
4 dozen people?

5 A I do.

6 Q Did you go on a day trip with those dozen
7 people?

8 A Yeah, possibly.

9 Q When?

10 A I don't know. I'm sorry.

11 Q Where?

12 A I don't know. I don't remember.

13 Q How many times have you gone on day trips with
14 those dozen people?

15 A I don't know.

16 Q How about turning back to Photograph "I." How
17 many times have you gone on day trips and socialized
18 with those number of people, which looks like probably
19 double that, 20 or 25 people?

20 A I don't know.

21 Q That's a big group of friends of yours that
22 includes Caitlin Albert, right?

23 A A big group of mutual friends.

24 Q So it's not just that she's a mutual friend.
25 She's a friend; isn't that right?

1 A As I said before, I would consider myself more
2 of an acquaintance. We have mutual friends. I
3 wouldn't consider her a close friend. But -- yeah.
4 That would be my answer.

5 Q But you basically grew up with her, went to
6 high school with her and have all the same --

7 A I didn't grow up with her. I went to high
8 school with her.

9 Q When I say "grow up with her," I mean, you
10 grew up in the same town as her, correct?

11 A Grew up in the same town.

12 Q Went to the same high school as she did?

13 A Yes.

14 Q Socialized with the same friends as she did?

15 A Yes.

16 Q Went on day trips with her?

17 A Yes.

18 Q And apparently have all the same friend group,
19 correct?

20 A I don't know that we have all the same friend
21 group. These are people that we are both friends with.

22 Q But you don't consider her anything more than
23 just an acquaintance?

24 A I think I described it to you.

25 Q The answer to my question is you don't

1 consider her to be anything more than an acquaintance?

2 A I would consider her to be a close friend.

3 Q Now, let's take a look at the last photograph.
4 Describe what's in that photograph.

5 A There's -- it's a picture of me. Caitlin is
6 in it and there seems to be other people in it, as
7 well.

8 MR. JACKSON: May I approach?

9 THE COURT: Yes.

10 BY MR. JACKSON:

11 Q May I see the photograph?

12 A (Witness complies.)

13 Q You can take it. Sorry.

14 That is a close-up photograph of who?

15 A Caitlin and I'm also in it.

16 Q And you're doing what in the photograph as it
17 relates to Caitlin?

18 A It seems like I'm kind of kneeling down next
19 to her.

20 Q Touching her?

21 THE COURT: Can I see that for just a minute,
22 please? I'm sorry. Can you show me you?

23 THE WITNESS: That's me.

24 THE COURT: Okay. Thank you.

25 MR. JACKSON: So just for the record -- may I

1 approach one more time, Your Honor?

2 THE COURT: Yes.

3 MR. JACKSON: Thank you.

4 BY MR. JACKSON:

5 Q You are sort of just behind Caitlin in that
6 photograph?

7 A Yes.

8 Q Caitlin is the one drinking the beer?

9 A Yes.

10 Q You've got your right arm around her?

11 A Yes.

12 Q You both appear to be wearing swimwear?

13 A Yes.

14 Q Bathing suits?

15 A Yes.

16 Q And you're giving some sort of a sign with
17 your left hand?

18 A No, I'm not.

19 Q Is that somebody else's hand that I saw?
20 Maybe that is Caitlin's.

21 A Yeah.

22 Q I'm sorry. I don't have the photograph in
23 front of me. I don't have it committed to memory.

24 It looks like that's a photograph that you and
25 Caitlin posed for together, correct?

1 A It seems like it's a closeup of a bigger --
2 like a picture. It seems to be zoomed in on a group of
3 people.

4 Q Which was posted on social media?

5 A Okay.

6 Q Is that right?

7 A Are you telling me that?

8 Q I'm asking you that. Have you ever seen that
9 posted on social media?

10 A I don't recall seeing this picture. But, if
11 it was on social media, then okay.

12 Q How long ago was that picture taken?

13 A I don't know.

14 Q Who took the picture?

15 A I don't know.

16 Q Where were you when the photograph was taken?

17 A Probably at a beach, if we're wearing bathing
18 suits.

19 Q Probably at a beach or at a beach?

20 A Well, I can't see a beach in the picture.
21 Wearing bathing suits, it could be at a beach.

22 Q All right. Do you recognize the bathing suit
23 that you're wearing in the photograph?

24 A No.

25 Q You literally don't even recognize your own

1 outfit?

2 A No.

3 Q So that doesn't help define where you were and
4 when that photograph was taken?

5 A No.

6 Q Do any of these photographs remind you that
7 you've been to Caitlin's house at some point in your
8 friendship with her?

9 A No.

10 Q Has Caitlin ever been to your house?

11 A Not that I -- not to my recollection.

12 Q When was the last time that you talked to
13 Caitlin?

14 A I don't remember exactly. It's probably been
15 a few years.

16 Q When was the last time you went to an event, a
17 socializing event with Caitlin?

18 A Again, I don't remember exactly.

19 Q Did you talk to Caitlin at any point at or
20 around, on or around, January 29th, 2022?

21 A No.

22 Q When was the last time you had talked to
23 Caitlin before January 29, 2022?

24 A I don't know.

25 Q Could it have been a day before, a week

1 before, a month before?

2 A No. I don't talk to her. Like I said, we are
3 not close friends. So it's like pretty infrequent that
4 we would interact. So I don't know when the last time
5 before that.

6 Q What about texting or Snapchatting or
7 communicating in that way?

8 A I don't remember.

9 Q Could it have been a week before the 29th?

10 A I don't think so.

11 Q You don't think so or you know so?

12 A I don't think so.

13 Q What about after the 29th, after you responded
14 to 34 Fairview? Did you ever have any communication
15 with her?

16 A Not that I can recall.

17 Q So is that something that you think you might
18 remember if you responded to a house of her father
19 where there is a police officer dead or dying on the
20 yard, on the lawn, 30 feet from the front door, you
21 might have had a conversation with Caitlin?

22 A I've never had a conversation with Caitlin
23 about that call or this case.

24 Q Did you ever contact any of your other friends
25 about the fact that you responded to Caitlin's parents

1 house?

2 A No.

3 Q Were you ever asked about this relationship
4 that you had with Caitlin Albert, this friendship that
5 you had with Caitlin Albert at or near the time of the
6 29th of January?

7 A No.

8 Q Did you ever disclose to anybody that you had
9 a relationship with Caitlin Albert at or around the
10 time of this event?

11 A No.

12 Q When you went to 34 Fairview, you knew that
13 that was the Albert family home, correct?

14 A No.

15 Q When did you learn that it was the -- you now
16 know that?

17 A I know that now.

18 Q When did you find that out?

19 A I don't know. I don't recall. It was some
20 point after, but I don't know when.

21 Q Could it have been the next day?

22 A No.

23 Q You and Firefighter Flematti and Firefighter
24 Nuttall were all discussing this case pretty intently
25 after this event, correct?

1 A No.

2 Q It's not that often in the little town of
3 Canton that a police officer is found dead or dying on
4 another police officer's lawn; wouldn't you agree with
5 that?

6 A We responded to a medical call. So the
7 conversation after the fact was at the hospital,
8 debriefing a call, going over what happened, what we
9 used for equipment, what we need. And just like that
10 was the extent of the conversation.

11 Q Would you agree that this case, given its
12 notoriety, is discussed at the fire station almost
13 daily?

14 A I don't know when I'm not there, but it does
15 get brought up.

16 Q And, obviously, the fact that the house
17 belongs or belonged at the time to the Albert family is
18 part of that discussion?

19 A I don't know. Like I said, it gets brought
20 up, but it's -- I just avoid it. I don't engage in the
21 conversations.

22 Q It was certainly enough of a subject matter
23 that you learned, according to you, after the 29th that
24 that house belonged to Brian Albert, Nicole Albert, the
25 parents of your friend Caitlin Albert, right?

1 A Well, at that point, it was on the news
2 consistently. So I don't know where like that
3 information was introduced.

4 Q But it was pretty early on after the 29th?

5 A I don't recall when it was known that that was
6 the case.

7 Q And you didn't learn that that was the Albert
8 family home last week?

9 A No.

10 Q You've known it going on two and a half years?

11 A I don't know exactly when I learned that that
12 was the house.

13 Q I realize you don't know exactly,
14 Ms. McLaughlin. I'm not asking you the day you
15 learned. I'm asking you, you've known this basically
16 through the lifespan of this case?

17 A At some point after, I learned it.

18 Q Right. I'm just trying to figure out about
19 how long after. A week after? A month after?

20 A I'm not sure.

21 Q But it was more toward January 29th than it
22 was yesterday, correct?

23 A Correct.

24 MR. JACKSON: May I just have a moment, Your
25 Honor?

1 THE COURT: Yes.

2 BY MR. JACKSON:

3 Q One other -- just a couple of brief questions.
4 Do you know any of Caitlin's siblings?

5 A No.

6 Q You don't know Brian Albert, Jr.?

7 A No.

8 Q Do you know of any of her extended family
9 that might be a little closer in age to you like
10 Colin Albert?

11 A No.

12 Q Have you ever met any of them?

13 A Not that I recall.

14 Q Not that you recall or no?

15 A I don't remember meeting any of them.

16 MR. JACKSON: Okay. Your Honor, that's all I
17 have.

18 THE COURT: All right. Mr. Lally, any
19 questions?

20 MR. LALLY: Sure. Just a few, Your Honor.

21 BY MR. LALLY:

22 Q So, Ms. McLaughlin, you're not friends with
23 Caitlin Albert, correct?

24 A I'm sorry?

25 Q You're not friends with Caitlin Albert; is

1 that correct?

2 A I would say she's an acquaintance, not a close
3 friend.

4 Q Now, you were shown some photographs of you in
5 a fairly large group with Caitlin Albert, correct?

6 A Yes.

7 Q Okay. You don't know when those were,
8 correct?

9 A I don't know when exactly.

10 Q You don't know where you were when those were
11 taken, correct?

12 A No, not exactly. They seem old.

13 Q Just to back up, you knew her in high school
14 but you weren't friends in high school, correct?

15 A I would categorize our relationship as always
16 being just acquaintances. I knew her. We had some
17 mutual friends, but we were never close friends. We
18 don't have a one-on-one relationship.

19 Q And, as far as high school versus post-high
20 school, would you see her more so during high school,
21 the high school years or after you graduated high
22 school?

23 A Well, probably more in high school, just being
24 there every day. Then afterwards, yeah. It was only
25 here and there, like I said, like mutual friends. So

1 maybe events with mutual friends, I might run into her.

2 Q To be clear, and I think you made reference to
3 it, but that last photograph that's marked as "K," that
4 seems to be a cropped or sort of zoomed in of a larger
5 photo; is that right?

6 A Yes.

7 Q Now, as far as each of those photos you were
8 shown, you're present in a photo with Caitlin Albert in
9 a much larger group, correct?

10 A Yes.

11 Q Okay. Have you ever hung out or socialized
12 with Caitlin Albert outside of the letting of a large
13 group?

14 A No.

15 Q You've never been to her house before that
16 date of January 29th that you know of, correct?

17 A Correct.

18 Q Okay. And she's never been to your house that
19 you know of, correct?

20 A Correct.

21 Q Now, as far as social media is concerned as
22 far as a friends list, and without sort of doing it,
23 I'm sort of putting that in air quotes, how many
24 friends would you say you have on social media in
25 total?

1 A I don't know. Maybe over 500. I don't know.

2 Q And of those 500 people, how many of those 500
3 people would you consider actual friends?

4 A Much, much less than that. Less than 10.

5 THE COURT: All right. Why don't we wrap this
6 up, Mr. Lally.

7 MR. LALLY: Sure.

8 BY MR. LALLY:

9 Q Just when it comes to that day that you
10 responded, you're working with the fire department.
11 You responded to a call on January 29th to a home or,
12 as you say, somewhere on the side of the road. Did you
13 have any idea whose house that was that was adjacent to
14 where the treatment was concerned with regard to your
15 patient, Mr. O'Keefe?

16 A No.

17 MR. LALLY: I have nothing further.

18 (Whereupon, the voir dire concluded.)

19 THE COURT: All right. So there has been --
20 there was an objection that this was in violation
21 of Rule 14 to admit these exhibits, Mr. Lally.
22 That's what you said, correct?

23 MR. LALLY: Yes, Your Honor.

24 THE COURT: I agree. So the exhibits don't
25 come in. But, based on this voir dire and the

1 answers, I'm going to give you some leeway on
2 exactly what -- the relationship, the socialization
3 and the extent of it, friends on social media,
4 those areas. You didn't quite get everything that
5 you mentioned at sidebar. So that's not coming in.

6 MR. JACKSON: I want to make sure I stay
7 within the parameters.

8 THE COURT: So why don't you come over here
9 then.

10 (Whereupon, there was a sidebar conference as
11 follows:)

12 THE COURT: So you had said they'd been out
13 drinking together and all of that, one person was
14 holding a beer at a beach in a cropped photo.
15 She's not at a barroom or anything.

16 MR. JACKSON: No. I didn't suggest that they
17 were in a barroom. That was what I was referring
18 to, that they -- you know, I'm assuming that if
19 Caitlin was drinking, she was drinking too.

20 THE COURT: You didn't get it from them. So
21 you can't do that.

22 MR. JACKSON: I'd forgotten to -- and I should
23 do it here at sidebar. I had forgotten to actually
24 refer to the third photograph -- is it "J," "K"?

25 MR. YANNETTI: No. "J."

1 THE COURT: May I have those please, those
2 photographs?

3 MR. JACKSON: I think it's -- no. It's this
4 one. That one. I forgot to mention that this was
5 "K," that it's been marked.

6 THE COURT: Okay. They look like young girls
7 in bathing suits.

8 MR. JACKSON: I do want to make a record that
9 I disagree with the Commonwealth in terms of the
10 Rule 14 objection. The reason that we disagree,
11 this is pure impeachment, as the Court well knows.
12 This is not something that we are going to use in
13 the case in chief. Indeed, I was never -- and I
14 can show the Commonwealth and I can show the Court.
15 My order of proof in terms of my outline I
16 literally do not bring up photos unless, dot, dot,
17 dot, she denied the relationship or she was trying
18 to distance herself from the relationship.

19 I think that's obviously some level of deceit
20 on her part. She knew that there was a
21 relationship. I can prove that there was a
22 relationship with these photos. The level of the
23 relationship is up to the jurors to decide. But
24 she said -- her first answer, Your Honor, was I
25 said, who is Caitlin Albert? And I just left it

1 open for her to say, she's a friend of mine. She's
2 an acquaintance. We went to high school together
3 and I've known her for 10 years.

4 And she said none of that. What she said is,
5 there was a girl in high school with that name.
6 And that's a lie. And that is why we are -- and
7 now she's changing that story. Because I am about
8 to impeach her with those photographs, I don't
9 think that that's a violation of Rule 14. This is
10 pure impeachment.

11 THE COURT: Mr. Lally?

12 MR. LALLY: What I'd say is I don't think that
13 that is a lie. I think that's exactly what was
14 borne on her testimony in voir dire.

15 The last thing I would say just to flag for
16 the Court is this is a witness who has been
17 harassed by Mr. Kearney (phonetic spelling) on this
18 specific --

19 THE COURT: Mr. Who?

20 MR. LALLY: Mr. Kearney, on the specific
21 issue. So if we are going down this road as far as
22 impeachment is concerned, I intend to get into
23 that.

24 THE COURT: Come to sidebar before you do. So
25 I find that it is a violation of Rule 14. So these

1 photographs won't come in. We will keep them handy
2 in case you need to refresh her recollection. They
3 are not to be shown on the screen.

4 MR. JACKSON: Understood.

5 THE COURT: I expect that the press will not
6 see these photographs.

7 MR. JACKSON: No, no, no. Of course not.

8 THE COURT: Of course not? They've seen all
9 sorts of things. I was told this morning that one
10 of these photographs has already been circulating
11 today.

12 MR. JACKSON: Not from us. Not from us.

13 THE COURT: I'm just saying but when you said
14 "of course not," I have to be concerned about these
15 things.

16 MR. JACKSON: I understand. I just don't want
17 the Court to cast a dispersion on us that we were
18 out there, leaking stuff. We were not.

19 THE COURT: No, I'm not saying that.

20 MR. JACKSON: We don't play those games. Am I
21 allowed to refer to the photo, just not show them?
22 In other words, what is this a photo of? Does it
23 appear to you to be a photo taken with Caitlin?

24 THE COURT: No. You can talk to her about her
25 relationship. I think she will tell you she was at

1 a beach.

2 MR. JACKSON: Okay.

3 THE COURT: You can talk; and, if she doesn't,
4 you can show her.

5 MR. JACKSON: Okay. I just want to make sure
6 I'm clear. I don't want to overstep. Can I ask
7 have you ever been photographed socializing with
8 anyone.

9 THE COURT: Sure.

10 MR. JACKSON: Okay. I think I'll get the
11 answer and then I won't have to show it. Okay.

12 THE COURT: All right.

13 (Whereupon, the sidebar conference concluded.)

14 THE COURT: All right. Let's bring the jurors
15 in.

16 (Whereupon, the jury is escorted into the courtroom
17 and seated in the jury box.)

18 THE COURT: So, jurors, from time to time,
19 there are things that I need to discuss with the
20 lawyers, as you saw. We try and do it as quickly
21 as we can. It's in an effort to make sure that
22 what you see and hear in this case is appropriate
23 for you to see and hear. So sometimes we spend a
24 little time now that will save us a lot of time
25 later. So we do appreciate your patience.

1 MR. JACKSON: May I, Your Honor?

2 THE COURT: Yes.

3 MR. JACKSON: Thank you.

4 CONTINUED CROSS-EXAMINATION

5 BY MR. JACKSON:

6 Q Ms. McLaughlin, thank you for your patience.
7 When we last left off, I was asking you about your
8 relationship with Caitlin Albert. Do you recall that?

9 A Yes.

10 Q I want to ask you a few more questions about
11 that.

12 You and Caitlin Albert have known each other
13 for how long?

14 A Since high school.

15 Q Which is? Give me a span of time.

16 A So probably about 10 years.

17 Q You have traveled with Caitlin Albert and
18 friends. When I say "traveled," I don't mean to exotic
19 locations. I mean day trips, et cetera?

20 A Yes.

21 Q You have a group of mutual friends together,
22 correct?

23 A We have mutual friends, correct.

24 Q Those mutual friends have gone on day trips
25 with you and Caitlin Albert involved?

1 A Correct.

2 Q On more than one occasion, as a matter of
3 fact?

4 A Correct.

5 Q On many occasions, as a matter of fact?

6 A Many? I don't know.

7 Q More than five?

8 A I don't know.

9 Q More than 10?

10 A I don't know.

11 Q You've seen photographs of you with Caitlin
12 Albert on some of these day trips, correct?

13 A Yes.

14 Q You've seen at least three of those
15 photographs?

16 A Yes.

17 Q You're friends with Caitlin Albert on social
18 media?

19 A Yes.

20 Q Other than the three photographs that you've
21 seen and we've just talked about, there have been other
22 events that you've been out with Caitlin Albert that
23 weren't necessarily photographed or we don't have those
24 photographs, correct?

25 A Probably.

1 Q You know that Caitlin Albert is the same
2 Caitlin Albert that is the daughter of Brian and
3 Nicole Albert as you sit here?

4 A Yes. As I sit here today, yes.

5 Q And you know that Caitlin Albert also has
6 siblings, right? Albert, Jr., correct?

7 A As I sit here today, yes. I know that.

8 Q And you also know as you sit here today that
9 34 Fairview was at the time of January 29th, 2022 the
10 Albert home, correct?

11 A I know that as of today.

12 Q You indicated -- well, let me rephrase that.
13 When you showed up at 34 Fairview that
14 morning, did you recognize that address or recognize
15 the home as that of being Caitlin Albert's?

16 A No.

17 Q You have since learned that that was
18 Caitlin Albert's home?

19 A I know that now.

20 Q Right. And you gave your original statement
21 to Trooper Proctor the next day?

22 A Yes.

23 Q And, from that day to this day -- or let's
24 take yesterday. From that day to yesterday, you
25 learned that 34 Fairview was the Canton Albert family

1 home, correct?

2 A You're asking if I know from --

3 Q Between those two dates.

4 A Yes.

5 Q Between the time that you spoke with
6 Trooper Proctor in this report until yesterday when you
7 testified, you now know that that's the Albert home?

8 A Yes.

9 Q And you also indicated that between that
10 report that you gave to Trooper Proctor, the statement
11 that you gave to Trooper Proctor, and yesterday's
12 testimony, your statement has evolved. You've already
13 admitted that. Correct?

14 A I don't think I agreed with you on that.

15 Q It's changed? It's different?

16 A I've always testified to -- like I feel as
17 though my testimony has been consistent.

18 Q I appreciate how you might feel. I'm just
19 interested in the actual facts.

20 You didn't tell Trooper Proctor anything about
21 this officer questioning my client, correct?

22 MR. LALLY: Objection.

23 THE COURT: I'm going to see counsel at
24 sidebar.

25 (Whereupon, there was a sidebar conference as

1 follows:)

2 THE COURT: So are you objecting to the
3 argumentative nature that the question began with?

4 MR. JACKSON: Yes.

5 THE COURT: Okay. You can't do that with all
6 the evolving -- the Commonwealth didn't object
7 until now. But, now that they have objected, the
8 argumentative nature of some of these questions,
9 the objection is sustained. But you changed it
10 into impeaching her with a prior statement,
11 correct? Okay.

12 So if there's continued objections about the
13 argumentative nature, it will be sustained. If
14 it's strict impeachment, you have to ask the
15 question again.

16 MR. JACKSON: I'll rephrase it.

17 (Whereupon, the sidebar conference concluded.)

18 BY MR. JACKSON:

19 Q You agree, Ms. McLaughlin, that the statement
20 that you gave to Trooper Proctor is not the same as the
21 statement that you gave to these jurors yesterday?

22 A Yes.

23 MR. JACKSON: May I have just a moment, Your
24 Honor?

25 THE COURT: Yes.

1 BY MR. JACKSON:

2 Q A couple of other questions. When you did
3 make this statement to Trooper Proctor, your visit to
4 Canton P.D. was coordinated by another officer to put
5 you and Trooper Proctor together for the interview,
6 correct?

7 A I don't recall that.

8 Q Do you recall being contacted by a completely
9 different officer to say, hey, Trooper Proctor wants to
10 talk to you. Come on into Canton P.D. He wants to
11 have an interview?

12 A I don't remember exactly how the interview was
13 set up.

14 Q So that was my next question. You may have
15 just told me this.

16 Do you have any recollection who set that
17 interview up?

18 A I don't.

19 Q Does the name Kevin Albert sound familiar?

20 A No.

21 Q Do you know Kevin Albert?

22 A No.

23 Q Do you know him to be a police officer at
24 Canton P.D.?

25 A No.

1 Q Do you know him to be the brother of
2 Brian Albert?

3 A No.

4 MR. LALLY: Objection.

5 THE COURT: The objection is sustained.

6 MR. JACKSON: That's all I have, Your Honor.

7 THE COURT: Okay. Mr. Lally, anything
8 further?

9 MR. LALLY: Yes.

10 REDIRECT EXAMINATION

11 BY MR. LALLY:

12 Q So, Firefighter McLaughlin, you went to high
13 school with Caitlin Albert, correct?

14 A Yes.

15 Q Okay. And could you describe the nature of
16 your relationship, if any, with Caitlin?

17 A I would describe it as we're not close
18 friends. I would say we're more acquaintances. We
19 have mutual friends. I don't have a one-on-one
20 relationship with her.

21 Q And you were asked some questions about social
22 media, correct?

23 A Yes.

24 Q And, if you could or if you could guesstimate,
25 about how many friends, and I'm sort of inferring air

1 quotes in there, how many friends on social media would
2 you have?

3 A I don't know. Probably 500.

4 Q And of those probably 500 friends on social
5 media, how many of those are actual friends that you
6 talk to, interact with beyond social media?

7 A Much less than that.

8 Q Now, prior to -- well, let me ask you this:
9 As far as would you say that you saw Caitlin Albert
10 more so when you were in high school or more so since
11 you have graduated from high school?

12 A I would say probably more in high school
13 because we were there every day.

14 Q And about what year or so was it that you
15 graduated from high school?

16 A 2014.

17 Q And, as far as any sort of photographs that
18 were referenced to you, have you seen those
19 photographs?

20 A Here?

21 Q Yes.

22 A Here today I saw them.

23 Q And do you have any idea where or when those
24 photographs were taken?

25 A I don't remember.

1 Q And, of those photographs, it's not just you
2 and Caitlin Albert in a photograph; is that correct?

3 A Correct.

4 Q So a larger group of people; is that correct?

5 A Correct.

6 Q When you were asked about sort of these day
7 trips, they were sort of trips specifically on a day to
8 a beach, it looks like, correct?

9 A Correct.

10 Q And to a beach with a larger group of people;
11 is that correct?

12 A Correct.

13 Q And, with reference to Caitlin Albert
14 specifically, have you ever socialized with her in any
15 setting beyond a setting that contained a large group
16 of people?

17 A No.

18 Q Now, with respect to -- when you say "high
19 school," you graduated from Canton High School,
20 correct?

21 A Correct.

22 Q And you grew up in Canton; is that correct?

23 A Yes.

24 Q And did you know Caitlin Albert before you
25 attended Canton High School?

1 A No. That's probably when we first really
2 interacted, was high school.

3 Q And essentially you live within the town --
4 I'm sorry -- you work within the town that you grew up
5 in, correct?

6 A Correct.

7 Q And is that abnormal from a civil service
8 perspective?

9 A No. From a civil service perspective, you're
10 given more points for residency. So it's actually I
11 would say preferred or you're placed higher on the list
12 if you have residency in that town.

13 Q So it's actually preferred and more common
14 than uncommon as far as growing up in a town and then
15 working in that same town in a civil service position
16 like a firefighter?

17 A Yes.

18 Q Now, during the course of the time that you've
19 been on the Canton Fire Department, have you received
20 calls to residences or other places or even patients
21 that you either knew or were familiar with?

22 A Yes.

23 Q And would that be a reason for you to not go
24 on a call?

25 A No.

1 Q And you have an obligation, wouldn't you say,
2 to respond to a call when a call is made and you're on
3 duty in that station house, correct?

4 A Yes.

5 MR. JACKSON: Objection.

6 THE COURT: The objection is sustained. Ask
7 the question differently.

8 BY MR. LALLY:

9 Q As far as when you're on duty as a firefighter
10 at a particular station house and you get a call, what,
11 if any, choice do you have to respond to any particular
12 call?

13 A I don't have a choice. I just have to respond
14 to the call.

15 Q And, then, prior to that date of January 29th,
16 had you ever been over, through socialization or
17 otherwise, Caitlin Albert's house?

18 A Not that I ever remember.

19 Q Had she ever been over to your house?

20 A No.

21 Q Again, had you ever socialized with her
22 outside of a large group of people?

23 A No.

24 Q When you responded on that morning just after
25 6:00 a.m., the house at 34 Fairview Road, did you know

1 who lived there?

2 A No.

3 Q During the time since January 29th of 2022,
4 have you ever spoken to Caitlin Albert about what
5 happened that morning in front of 34 Fairview Road?

6 A No.

7 Q Now, you were asked some questions on cross-
8 examination about knowing sort of Caitlin Albert's
9 parents' names or siblings' names or things of that
10 nature, correct?

11 A Right.

12 Q And, prior to January 29th, you didn't know
13 any of those names; is that correct?

14 A No.

15 Q And you learned of them subsequently; is that
16 correct?

17 A Yes.

18 MR. LALLY: Your Honor, may we approach just
19 briefly?

20 THE COURT: Okay.

21 (Whereupon, there was a sidebar conference as
22 follows:)

23 MR. LALLY: So my next question --

24 THE COURT: Wait until everybody is here.

25 MR. LALLY: Oh. I'm sorry.

1 MR. LALLY: So my next question is how she
2 knows, and then this sort of gets into that area
3 of not only Mr. Kearney, but this witness also had
4 a visit from a defense investigator in which the
5 defendant was in the car parked outside of her
6 house at that time, that that defense investigator
7 sort of pushed his way into the home with her
8 parents to try to speak to her at one point during
9 the pendency of this case.

10 MR. JACKSON: Your Honor, that is true. First
11 of all, there is no male defense investigator who
12 has ever approached her. We did actually have an
13 investigator, a female, knock on the door, have a
14 very polite conversation with the McLaughlin
15 parents, who said she would rather not speak with
16 us, and we left, which is our obligation and well
17 within our -- actually, it would be --

18 THE COURT: I understand.

19 MR. JACKSON: So nobody tried to push their
20 way in. I don't know where Mr. Lally is getting
21 this other than the witness, and she wasn't even
22 there. We never made contact.

23 THE COURT: So I guess I'm a little confused
24 as to you said your next question is going to be
25 what?

1 MR. LALLY: How she became aware of those
2 names after the fact.

3 THE COURT: I thought she testified she saw it
4 on the news.

5 MR. JACKSON: That's what she did say.

6 MR. LALLY: Again, I don't know that the news
7 is necessarily Channel 5, Channel 4 or things of
8 that nature.

9 THE COURT: You brought it up. I'm going to
10 let you lead through whether -- what do you
11 suggest, Mr. Jackson?

12 MR. JACKSON: I don't think this has any -- if
13 this is the Commonwealth's way of trying to sully
14 the defendant, I --

15 THE COURT: No, no. I'm asking for
16 suggestions on how -- you brought it up about she
17 learned these names, knows these names.

18 MR. JACKSON: She's testified to it and the
19 fact that she watched the news.

20 THE COURT: That was on voir dire. That was
21 on voir dire.

22 MR. JACKSON: And I think he should be able to
23 lead her and say --

24 THE COURT: Well, that's why I asked for
25 suggestions --

1 MR. JACKSON: -- is it true that you learned
2 this on the news? That was your testimony. And
3 leave it at that.

4 THE COURT: I'm not going to let you get into
5 that, the Kearney stuff, through this witness.
6 There may be other witnesses, but not this witness.
7 You can lead her what she learned by the news
8 broadcast. If it was social media news, that's
9 fine.

10 MR. LALLY: Understood.

11 (Whereupon, the sidebar conference concluded.)

12 BY MR. LALLY:

13 Q So, Ms. McLaughlin, you learned of those other
14 people's names within the Albert family subsequent to
15 your response to this call on January 29th; is that
16 correct?

17 A Yes.

18 Q And you learned of those through sort of
19 various news or media reports in relation to this case,
20 not something that you had any conversations with
21 anybody about, correct?

22 A Correct.

23 MR. LALLY: I have nothing further, Your
24 Honor.

25 THE COURT: All right.

1 MR. JACKSON: Your Honor, if I may? I have a
2 brief followup.

3 THE COURT: All right.

4 RECROSS-EXAMINATION

5 BY MR. JACKSON:

6 Q You indicated, Ms. McLaughlin, that --
7 Mr. Lally just asked you about these 500 friends on
8 social media. A couple of quick questions about that.

9 Of those 500 friends on social media, how many
10 of those have you taken day trips with?

11 A I don't know.

12 Q How many of those have you gone to the beach
13 with?

14 A I don't know.

15 Q How many of those have you posed for
16 photographs with?

17 A I don't know.

18 Q How many of those have you posed for
19 photographs in swimwear with?

20 A I don't know.

21 Q How many of those have you been photographed
22 with your arm around while that other friend is
23 drinking a beer?

24 MR. LALLY: Objection.

25 THE COURT: Sustained.

1 BY MR. JACKSON:

2 Q Ms. McLaughlin, all of those things that I
3 just mentioned you have done with Ms. Caitlin Albert?

4 MR. LALLY: Objection.

5 THE COURT: Sustained.

6 MR. JACKSON: That's all I have.

7 THE COURT: Okay. All right, Firefighter
8 McLaughlin, you are all set.

9 THE WITNESS: Thank you.

10 (Whereupon, the witness is excused.)

11 THE COURT: All right. Jurors, we are getting
12 ready to go for our view. So we are about to visit
13 a place which you'll be hearing about some more,
14 you've heard about, you've seen photographs of.
15 And, in court terminology, we call this a view.

16 The purpose of the view is to help you better
17 to understand the evidence which you'll hear during
18 the trial and to help you appreciate the location
19 and its surroundings.

20 The view that you take is a part of this case.
21 The observations that you make while on the view
22 may be used and considered in your deliberations in
23 reaching a verdict. The place that we're going to
24 go you've seen photos of. You've heard it's 34
25 Fairview Road.

1 The lawyers and I will accompany you on the
2 bus. The attorneys may point out to you the
3 arrangement of the scene and items that they want
4 you to pay special note of. But, otherwise, they
5 cannot discuss anything in this case in regard to
6 this case. They can't talk to you. All right?
7 They'll be able to do an opening here, and they
8 will be able to point these things out.

9 While you're on the view, it's very important
10 that you can't take notes and you certainly can't
11 use your phones and take photographs. All right?
12 It's really just for you to see. You cannot
13 conduct any independent investigation while we are
14 there or at any time during the trial as you've
15 been told. You're not to return to the scene or
16 ask anyone else to do it for you until the case is
17 over. So this is your opportunity to take a look
18 when we go.

19 What you are to do on the view may be best
20 summarized in two very familiar words, which is,
21 stop and look. Okay? Your responsibility is to
22 see the place, to observe it carefully and to
23 remember what you see. So during your trip to and
24 from the place that we are going to view, you are
25 not to discuss this case or anything about it among

1 yourselves or with anyone, and you're not to permit
2 anyone to talk with you about the case. You will
3 be under the supervision of our great court
4 officers at all times, and you'll remain together
5 until you return to court unless the court officers
6 direct you otherwise.

7 And, just so that you know, because some of
8 this came up during our jury selection process,
9 spectators, if there are any, and all members of
10 the press have been ordered to stay 100 yards away
11 from you. All right? So you can go and you can
12 look and take your time looking without worrying
13 about any interference from anyone. All right?

14 So with that, Mr. Clerk, could you swear in,
15 please, the court officers.

16 (Whereupon, the court officers are duly sworn.)

17 THE COURT: So, Mr. Lally, do you want to do a
18 short view opening?

19 MR. LALLY: Yes. Thank you.

20 VIEW OPENING ON BEHALF OF THE COMMONWEALTH:

21 MR. LALLY: So, ladies and gentlemen, as Her
22 Honor just described, we are about to go to a
23 place. When we arrive there and during the time
24 when we are there, this is not a point where we can
25 have any sort of conversation or back and forth.

1 So all I'm going to be asking you to do is
2 just take note of certain locations and certain
3 items as you see. And, again, as with anything in
4 this case, this is as you find them, as you observe
5 them. Okay?

6 So first, I'm going to ask you to sort of when
7 we arrive in a general area as far as taking note
8 of sort of street names, when you're coming into
9 and when you're exiting form this particular area.

10 When we arrive at a specific location, I am
11 going to ask you to take note of certain things
12 about the roadway. Okay? Certainly any abutments
13 to the roadway, any residences that you observe,
14 the distances between the roadway and landmarks or
15 any items that you observe on the property;
16 specifically a driveway, specifically a front door,
17 any other sort of items of interest within the
18 front lawn area of that home.

19 I am also going to ask you to take note of the
20 roadway, itself, and sort of the width of that
21 roadway, whether or not you find any sort of lanes
22 separating within that roadway and individual width
23 of some of those lanes, as well.

24 Lastly, there is also going to be a vehicle
25 there, as well; and I am going to ask you to take

1 note of certain things with respect to that
2 vehicle, with respect to the size of the vehicle,
3 with respect to the height of the vehicle, with
4 respect to anything that you observe specifically
5 from the front, the side, the back, all of the
6 exterior of that vehicle, and then also some of the
7 interior of that vehicle.

8 Specifically, I'm going to ask you to take
9 note of sort of the center console in the front
10 driver's compartment of that vehicle and anything
11 you observe in that location, as well.

12 And that is all I am asking you to do on this
13 case, and I thank you again for your time.

14 THE COURT: Mr. Jackson?

15 VIEW OPENING ON BEHALF OF THE DEFENDANT

16 MR. JACKSON: Thank you, ladies and gentlemen.
17 This is the first time we've been able to -- I've
18 been able to speak to you directly. So I want to
19 take the opportunity to introduce myself and thank
20 you for your service and thank you for your time
21 and commitment to this.

22 I am going to echo a lot of what Mr. Lally
23 just said. There is nothing magical about this
24 other than it gives you perspective. It's an
25 opportunity to introduce you in three-dimensional

1 form to stuff that you've been seeing in two-
2 dimensional form: the photographs, some of the
3 testimony, diagrams that you might see.

4 THE COURT: I'm sorry. We're really pointed
5 on what you can say.

6 MR. JACKSON: What we are going to ask you to
7 do is take special note of the relationships of
8 physical items out at the scene. Much as Mr. Lally
9 just indicated, there are going to be physical
10 things out at the scene.

11 You've heard about a flagpole, a fire hydrant,
12 a house. We are going to ask you to take special
13 note of where those are in relation to other things
14 physically at the scene that will hopefully, with
15 the Court's instruction, give you some assistance
16 in putting together the testimony that you think is
17 relevant and the documents that you think are
18 relevant.

19 Again, to echo what Mr. Lally said, we are
20 going to ask you to look at the roadway, the
21 vehicle, the house, the physical items at the home
22 and the relationship between and among all of those
23 things to each other. Hopefully, that will give
24 you a very good understanding of what we are
25 dealing with, especially with the exhibits. Thank

1 you.

2 THE COURT: All right. So, folks, we are all
3 set. We will see you at the bus in one minute.

4 (Whereupon, the jury exits the courtroom and is
5 escorted to the bus.)

6 (Without jury.)

7 MR. JACKSON: Your Honor, I'm so sorry for the
8 false start. I wanted to make one final record on
9 the Court's ruling.

10 THE COURT: Okay.

11 MR. JACKSON: I respect the Court's ruling.

12 THE COURT: Go ahead. You can make your
13 record.

14 MR. JACKSON: Maybe it would be better if I
15 did it over here. I wanted to interpose an
16 objection to --

17 THE COURT: I think it would be better if you
18 did it over here.

19 MR. JACKSON: It's just a legal motion.

20 THE COURT: I don't know what you're doing.
21 Come over here and tell me what you want to do, and
22 then I'll let you go back there and do it, because
23 you had ample opportunity to do it.

24 (Whereupon, there was a sidebar conference as
25 follows:)

1 THE COURT: So what are you doing?

2 MR. JACKSON: I didn't have ample opportunity.

3 THE COURT: I just don't know if you're
4 showing photos or you're describing the photos.

5 MR. JACKSON: No. No. I'm going to cite a
6 case. That's what I'm going to do.

7 THE COURT: Okay.

8 MR. JACKSON: I'm just going to cite a case.

9 THE COURT: Okay. That's fine.

10 (Whereupon, the sidebar conference concluded.)

11 MR. JACKSON: May I, Your Honor?

12 THE COURT: Yes.

13 MR. JACKSON: Okay. As it relates to the four
14 exhibits that the Court deemed were not admissible
15 because of a violation of Rule 14, I wanted to
16 elaborate just very briefly on our objection.

17 THE COURT: Go ahead.

18 MR. JACKSON: We believe that under Rule 14,
19 we were not obligated to have to present these
20 exhibits to the Commonwealth in discovery. Rule 14
21 does not require such disclosure when the exhibits
22 are used for impeachment only. And that's exactly
23 what those four exhibits were going to be used for
24 and what we intended to use them for.

25 Had this witness said: I know Caitlin Albert.

1 We've been friends for 10 years. We went to high
2 school together. We've been on day trips together.
3 We've been to the beach together and we've
4 socialized together, I wouldn't have to show any
5 photographs. But that's not what she said. What
6 she said was, I went to high school with a person
7 named Caitlin Albert, which is a bastardization of
8 the truth. That's not the truth. And those four
9 photographs are what got her, in the voir dire
10 process, what got her to admit that she, in fact,
11 does know Caitlin Albert and knows her on a very,
12 very different basis than she first suggested.

13 As the SJC has explained in the case of
14 *Commonwealth versus Aguiar*, A-G-U-I-A-R, at 400
15 Mass. 508, pin site at 513, it's a 1987 case that
16 says the following. And then I'll finish my record.

17 (As read), quote, "A defendant has a
18 constitutional right to bring to a jury's attention
19 any circumstance which may materially affect the
20 testimony of an adverse witness which might lead
21 the jury to find that the witness is under an
22 influence to prevaricate. It matters not that the
23 evidence would reveal an otherwise inadmissible
24 fact such as the witness's commission of a crime.
25 A judge may not restrict cross-examination of a

1 material witness by foreclosing inquiry into a
2 subject that could show bias or prejudice on the
3 part of the witness," end quote.

4 And that's exactly what we believe we were
5 entitled to do with Katie McLaughlin as a witness
6 for the Commonwealth. She has bias, or at least
7 the jurors can consider a bias. She has prejudice.
8 The jurors could consider a prejudice because of a
9 pre-existing relationship with Caitlin Albert about
10 which she was not truthful.

11 So I wanted to make that record and suggest,
12 ask the Court to reconsider whether or not those
13 four exhibits could be introduced. I don't need to
14 make any big deal about it. I don't want to call
15 her back to the stand. But I think the jurors, now
16 having had the description of those photographs,
17 should be able to see them in evidence, and I would
18 submit.

19 THE COURT: All right. So that request is
20 denied. The record is clear.

21 So Ms. Read is not going on this view. She
22 just needs to make sure she is back here by the
23 time we return.

24 Mr. Yannetti, you're nodding.

25 MR. YANNETTI: Yes.

1 THE COURT: You will contact her and make sure
2 she is back here.

3 MR. YANNETTI: Yes.

4 **VIEW:**

5 MR. LALLY: Good morning, again, ladies and
6 gentlemen. Again, as I stated in the courtroom,
7 this is my opportunity to address you here. So
8 some of the things that we talked about in there is
9 what I would direct your attention to now.

10 So you find yourselves standing in a roadway.
11 I would ask you to take note, sort of, of that
12 roadway, of its length, both as you came in and as
13 you exit at the close of all this. But also I
14 would ask you to take note of just the condition of
15 that roadway, the width of that roadway, what if
16 anything you observe as far as lanes within that
17 roadway, both in the middle and sort of towards the
18 side of the roadway.

19 I would ask you to take note in different
20 areas as far as the -- where that roadway ends and
21 where sort of other properties or residences begin,
22 where you find that to be, and specifically as it
23 pertains to a residence to your right. I would ask
24 you to take note of distances from areas, as far as
25 where we're standing now to where the driveway is,

1 where we're standing now to where the house is, any
2 doors or entrances, exits, that you observe from
3 that house, as well as anything else that you note
4 as far as a landmark for some sort of tangible
5 objects that you observe within specifically the
6 front area of the home and specifically the front
7 to the left as you're facing the house, in that
8 area of the front lawn/yard area of the home.

9 MR. JACKSON: Hi, ladies and gentlemen.

10 Again, I would echo a lot of what Mr. Lally just
11 said. We just want you to get comfortable with the
12 area surrounding the house, the roadway, the width
13 of the roadway. I also want you to pay special
14 intention, if you wouldn't mind, and note an area
15 to the right of the flagpole, its relationship to
16 the fence, the gate, its relationship to a front
17 door that appears in the middle of the house and
18 another door that appears just to the left. I
19 would also ask that you pay special attention if
20 you can to the area of the driveway and what
21 ingress and egress, entrance and exits, would look
22 like at the front of the house, as well as any
23 obstructions between those areas and the area
24 adjacent to the flagpole here.

25 I would also ask you to take some note of the

1 roadway and whether or not it's perfectly straight,
2 whether or not you see a curvature in the roadway,
3 the width of the roadway both from curb to curb as
4 well as the width of the roadway from the
5 centerline to curb, things of that nature.

6 The last thing I'd ask you to pay attention to
7 is simply the length of the area from the mailbox
8 all the way up to an area -- it would be close to
9 the natural property line, maybe here or beyond,
10 the length as it pertains to vehicular traffic that
11 may be parked.

12 And that's about it. I think with that, that
13 would satisfy us.

14 Thank you. Thank you, Your Honor. Oh, Your
15 Honor, there is one other thing.

16 There are a series of windows, both on the
17 bottom floor and the top floor. I would ask you to
18 pay special attention to the window on the top left
19 of the home and its relationship to where you're
20 standing as well as the property area in front as
21 well. Thank you.

22 Thank you, Your Honor.

23 (Pause.)

24
25 **DISCUSSION OUTSIDE THE HEARING OF JURORS:**

1 MR. LALLY: Your Honor, with the Court's
2 permission what I would ask is just to give them a
3 few minutes to do that, then take them over to the
4 vehicle. Mr. Jackson pointed out that he would
5 like to see inside the vehicle. It's just been a
6 while since I've --

7 THE COURT: Open the door and see inside?

8 MR. LALLY: Yes.

9 MR. JACKSON: Yes, ma'am.

10 MR. LALLY: Just to look prior to the jury
11 going over there. So with the Court's permission,
12 that's what we would --

13 THE COURT: Sure. Where you asked them to
14 look at the driveway, why don't we go beyond the
15 car first to the driveway and then walk back to the
16 car.

17 MR. YANNETTI: They can't see the mailbox.

18 THE COURT: So, well, if we can tell them that
19 we'll walk past the car to the driveway and then
20 come back to the car.

21 MR. LALLY: Okay, we can do that.

22 **END DISCUSSION OUTSIDE THE HEARING OF JURORS.**

23
24 MR. LALLY: So, ladies and gentlemen, I by no
25 way, mean, shape or form mean to cut you short if

1 you're still making observations or looking at
2 things, but at this point what I'm going to ask is
3 for us to make our way down to the driveway just
4 beyond the vehicle on the road, and then we'll make
5 our way back to the vehicle after we've gone over
6 to that area, okay?

7 (Pause.)

8 MR. LALLY: So again, ladies and gentlemen, in
9 this particular area, the same sort of general
10 observations that I referenced before. The only
11 other thing that I would add to that is I would ask
12 that you take note of sort of, again, where you
13 find these things to be, but where you find sort of
14 property lines to begin and property lines to end,
15 sort of any natural observations that you make in
16 reference to that structure, things of that nature,
17 as well as similar to when we were on the other
18 side of the property, now being sort of to the
19 right as facing the residence as you walk, any sort
20 of, you know, manmade structures or landmarks, if
21 you will, that you observe within and around sort
22 of the yard area as well as the driveway area.

23 (Pause.)

24
25 DISCUSSION OUTSIDE THE HEARING OF JURORS:

1 THE COURT: Did you get that?

2 COURT REPORTER: No.

3 THE COURT: All right, hold on, please. So
4 Ms. McLaughlin, you have to say that again. This
5 needs to be recorded.

6 MR. McLAUGHLIN: Inside the vehicle counsel
7 noted that there is a search warrant and business
8 card of one of the troopers. We are going inside
9 the vehicle to remove the search warrant and any
10 law enforcement identification cards.

11 MR. LALLY: They should be marked for I.D.

12 THE COURT: So the Commonwealth will take
13 possession of this right now. Did you bring
14 stickers?

15 COURT REPORTER: No. But that will be L for
16 identification.

17 THE COURT: Okay.

18 MS. McLAUGHLIN: If I could do just a cursory
19 look.

20 MR. JACKSON: Of course.

21 THE COURT: All right, so Ms. McLaughlin, I'll
22 take that. So this is Madam Court Reporter's. I
23 am going to put that on there.

24 MR. YANNETTI: May we take this and take it
25 back --

1 THE COURT: Trash? Timmy will take it.

2 COURT OFFICER ROSE: That's my job.

3 THE COURT: So do you want to close these
4 doors and then open them for them? Explain to them
5 -- Mr. Jackson, it's your request that we look in
6 the car?

7 MR. JACKSON: It's Mr. Lally's request, but I
8 have no objection.

9 THE COURT: All right, so why don't you just
10 tell them what we are going to do.

11 **END DISCUSSION OUTSIDE HEARING OF JURORS.**

12

13 MR. LALLY: So ladies and gentlemen, if you
14 want to just come in a little bit so I'm not
15 screaming as much.

16 Again, not to cut you short in any respect
17 whatsoever as to any observations that you make or
18 want to make with reference to this area of the
19 house or the one previous. So what I'm going to
20 direct your attention or ask you to note at this
21 point is with respect to a vehicle that is parked
22 on the roadway behind you, okay?

23 What I'm going to ask you to take note of with
24 respect to that is, again, as I stated in the
25 courtroom, the height of that vehicle, the width of

1 that vehicle, the overall shape and size of that
2 vehicle. In particular, I'm going to ask you to
3 sort of walk around the exterior, paying close
4 attention to sort of the height and width as you go
5 around the vehicle. What I'm also going to ask the
6 court officer to do is open up the front door of
7 that vehicle so that you can make observations of
8 the driver's compartment of that vehicle, and in
9 particularly, anything that you may note sort of on
10 the dashboard, in between the driver's seat and the
11 passenger seat, okay?

12 Thank you.

13 MR. JACKSON: Very briefly, also to dovetail
14 into what Mr. Lally just suggested, the height, the
15 width of the vehicle is obviously important, and I
16 would ask you to take note of the rear end of the
17 vehicle, the bumper area and the height,
18 specifically, of the taillight area on the vehicle
19 as well when you're taking a look at the rest of
20 the car. That's it.

21 (Pause.)

22 THE COURT: Anything else from the defense?

23 MR. JACKSON: No, Your Honor.

24 THE COURT: Anything else from the
25 Commonwealth?

1 MR. LALLY: No. No, Your Honor.

2 (Pause.)

3 THE COURT: Can I see counsel, please?

4
5 **DISCUSSION OUTSIDE HEARING OF JURORS:**

6 THE COURT: How long are we going to stay?

7 MR. LALLY: I mean, I'm fine, but I just -- I
8 don't want to interrupt them or --

9 THE COURT: I don't want to interrupt them
10 either.

11 MR. YANNETTI: Seems like at least a couple
12 are still considering things.

13 MR. LALLY: I would say probably five, ten
14 minutes or so at the most. That should cover it.

15 THE COURT: I think as long as we stand here
16 they are going to stay here.

17 MR. LALLY: That's the other thing.

18 THE COURT: But if you want, signal me when
19 we should wrap it up, and I'll start walking.

20 MR. JACKSON: About ten minutes.

21 THE COURT: The chief court officer said one
22 particular juror wanted to know how far up the
23 driveway she could go.

24 MR. YANNETTI: I'm in touch with the
25 homeowner. They gave us permission to go on the

1 property. I can call and ask if a juror could go
2 on the property if nobody objects.

3 THE COURT: I wish we had known that before.

4 MR. YANNETTI: I didn't expect that we'd go on
5 the property.

6 THE COURT: I think we said nobody could go on
7 the property when we started all this.

8 MR. LALLY: I think it's safer to just go with
9 that. Open it up on one end, and then somebody
10 else wants to do something else, then they want to
11 go in the house.

12 THE COURT: That's why I asked you all to work
13 together on the view.

14 MR. YANNETTI: We did.

15 THE COURT: Okay.

16 Court Order: Jurors or Juror Issues
17
18
19
20
21
22

23 THE COURT: There is no question or answer.
24 What does counsel suggest?

25 MR. JACKSON: Our suggestion would be to tell

1 the jurors you are going to determine based on the
2 testimony where the car was or wasn't. It's here
3 more for exhibit than specificity of -

4 MR. YANNETTI: It's placed randomly, right
5 now, correct? I think that would be the answer.

6 MR. JACKSON: They will just have to wait on
7 who testifies to where they saw it.

8 THE COURT: I prefer not to comment at all on
9 the evidence. We are here to stop and look. Those
10 were my instructions. You're merely here to look
11 --

12 MR. JACKSON: I have no problem with that. As
13 long as they don't think it's specifically placed,
14 because it's not.

15 MR. YANNETTI: That was the question.

16 THE COURT: I don't want to field questions,
17 because if there's one, there could be fifteen, and
18 that's not the purpose of the view. What is the
19 Commonwealth's position?

20 MS. McLAUGHLIN: I would just suggest what you
21 propose, perhaps with a limiting instruction as to
22 they are the fact-finders and they assess the
23 weight and credibility through the evidence that
24 will come out at trial.

25 MR. YANNETTI: I don't think there's any

1 evidence to be evaluated with credibility when it's
2 really the opposite.

3 THE COURT: What I am inclined to say is that
4 the purpose of a view is for you folks to stop and
5 look, and observe what you're seeing, and you can
6 use this as evidence in your deliberations. Just
7 sort of what I said before. I think I'm inclined
8 to also say no one can answer questions. Do you
9 want the question part or no?

10 MR. YANNETTI: I would like you to say we are
11 not allowed to answer questions.

12 MR. LALLY: I think that's good.

13 THE COURT: Okay.

14 COURT OFFICER: We will bring them together
15 behind the car, Your Honor?

16 THE COURT: Sure.

17 **END DISCUSSION OUTSIDE HEARING OF JURORS.**

18
19 THE COURT: So, folks, the purpose of a view,
20 as I told you before, first of all, the view is
21 evidence. But what you are to do while we are here
22 is to stop, look, observe your surroundings, and
23 then later you can use this in your deliberations.
24 It's not a time for questions or answers. I can't
25 let you ask questions of counsel, and I can't

1 answer any questions. So that is simply the
2 purpose, and we appreciate how close attention you
3 all are paying to this. Thank you.
4

5 **DISCUSSION OUTSIDE HEARING OF JURORS:**

6 THE COURT: Counsel, please.

7 (Court and counsel gather.)

8 THE COURT: Do you think we should wrap it
9 up?

10 MR. JACKSON: Sure.

11 MR. YANNETTI: Maybe ask them if there's any
12 objection if we leave?

13 THE COURT: I've never done that before. We
14 decide when it's time. Jurors don't object. I'm
15 not inclined to do that. I will give them
16 another few minutes. I think you are very
17 fortunate that they are paying such close
18 attention.

19 MR. YANNETTI: Yes.

20 THE COURT: Actually, counsel, it occurs to
21 me that one of the jurors is pacing and measuring
22 out pacing. It should have occurred to me
23 earlier. They are also told that they are not to
24 investigate, and that's pretty-much
25 investigation. So we're going to wrap it up.

1 **END DISCUSSION OUTSIDE HEARING OF JURORS.**

2
3 COURT OFFICER. All right, folks. We are
4 going to head back to the bus.

5
6 **END VIEW.**

7
8 (Court resumes.)

9 (Defendant present. Jury not present.)

10 (Whereupon, paperwork from front seat of Lexus
11 SUV was entered and marked Exhibit "L" for
12 Identification.)

13 THE COURT: All right. So, jurors, I want to
14 remind you of the instructions that I gave you
15 before we went on the view, and then I have a
16 caution for you.

17 So we took a view today, the purpose of which
18 was to help you to better understand the evidence
19 which you'll hear during the course of the trial,
20 and to help you appreciate the location and its
21 surroundings.

22 The view that you took is part of this case
23 and the observations that you made while on the
24 view may be used and considered in your
25 deliberations.

1 Remember that I told you that what you were
2 to do on that view is best summarized as simply
3 to stop and look. Your responsibility was to see
4 the place, observe it carefully and remember what
5 you saw. You were cautioned that while on the
6 view, you were not to take any notes or
7 photographs and that you were not to conduct any
8 independent investigation while we were there or
9 at any time during the trial.

10 So independent investigation includes but is
11 not limited to any measurements that you have
12 taken or attempted to take. So to the extent
13 that any of you did that, you must totally
14 disregard it because you must find the facts
15 from the evidence presented to you in this
16 courtroom. Okay?

17 So with that, Mr. Lally, do you have a
18 witness for us?

19 MR. LALLY: Yes, Your Honor. The
20 Commonwealth would call Mr. Gregory Woodbury to
21 the stand.

22 Whereupon,

23 GREG WOODBURY

24 having been first duly sworn, was examined and
25 testified under oath as follows:

1 THE COURT: All right, Mr. Lally. Whenever
2 you're ready.

3 MR. LALLY: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. LALLY:

6 Q Good afternoon, sir.

7 A Good afternoon.

8 Q Could you please state your name and spell
9 your last name for the jury?

10 A Greg Woodbury, W-O-O-D-B-U-R-Y.

11 Q And what do you do for work, sir?

12 A I'm a lieutenant paramedic on the Canton Fire
13 Department.

14 Q And how long have you been a member of the
15 Canton Fire Department?

16 A About 24 years now.

17 Q And how long have you had the rank of
18 lieutenant within the Canton Fire Department?

19 A That's been eight years now.

20 Q Now, prior to working with the Canton Fire
21 Department, what, if any, other work did you have
22 within that same sort of field?

23 A Prior to being on Canton Fire, I was an
24 EMT/paramedic in the North Shore area.

25 Q If you could, with regard to your working as

1 a paramedic and a firefighter, specifically as being a
2 paramedic, what, if any, sort of specialized training
3 did you receive in regard to, or certifications did
4 you receive in regard to, being a paramedic?

5 A So after I got my EMT, when I went to
6 paramedic school, I went to Northeastern University.
7 It was a one-year full-time program.

8 Q And, following -- you successfully completed
9 that program; is that correct?

10 A Yes.

11 Q Okay. And is there any sort of continuing
12 educational component or recertification component in
13 regard to your paramedic certification?

14 A Yes. Every two years, paramedics have to
15 recertified. We are required to get so many hours of
16 continuing education to recertify every two years.

17 Q Now, if I could turn your attention to the
18 date of January 28th, 2022, into January 29th of 2022.

19 A Uh-huh.

20 Q Were you working with the Canton Fire
21 Department on that date?

22 A Yes.

23 Q And what kind of shift were you working on
24 that occasion, if you recall?

25 A It was a 24-hour shift.

1 Q And a 24-hour shift within the Canton Fire
2 Department is what to what?

3 A It's 8:00 a.m. to 8:00 a.m. the next day.

4 Q Now, turning your attention to the 29th, at
5 what point do you sort of get up and start to begin
6 your day at the fire station?

7 A So a normal day -- the beginning of the shift
8 you're talking about?

9 Q The second day of the shift.

10 A Okay. So the second part of the shift.
11 Normally, we get up at six with the officers, but I
12 got up a little earlier then because we had the
13 snowstorm coming in. So I had to make sure everything
14 was shoveled. I got up at about maybe five. I
15 checked the apron or the area in front of the station
16 and made sure the walkways were clear.

17 Q And, when you got up to check that, what, if
18 anything, did you discover?

19 A It had been snowing. There was blizzard-type
20 conditions coming in. So there was a decent level of
21 snowfall. Let me see. Maybe two, three inches on the
22 ground at that time.

23 Q And, as far as with reference to that, what,
24 if anything, did you do to --

25 THE COURT: I think we can move quickly

1 through this part. Cleaning the apron --

2 MR. LALLY: Yes. No, no. I wasn't getting
3 to that, Your Honor.

4 THE COURT: Okay.

5 BY MR. LALLY:

6 Q As far as that particular day or that shift,
7 how were you assigned within the firehouse?

8 A I was the lieutenant on Engine 4.

9 Q And, with respect to that, at some point
10 shortly after 6:00 a.m., did you receive a dispatch to
11 a call?

12 A Yes. We were dispatched to a call for a
13 person in the snow.

14 Q Okay. And did you respond to that call, sir?

15 A Yes, I did.

16 Q And you were assigned to the engine; is that
17 correct?

18 A Correct.

19 Q And who, if anyone else, was assigned to the
20 engine that day with you on that shift?

21 A So we had Katie McLaughlin and Frank Walsh
22 were my two engine crew.

23 Q And, in addition to yourself and your engine,
24 what, if any, other sort of vehicles or apparatus
25 respond to that call?

1 A Ambulance 1 was responding with us. So that
2 was Tony Flematti, Matt Kelly and Tim Nuttall had also
3 hopped on the ambulance. He was coming in for the
4 shift in the morning. He came in early to beat the
5 storm.

6 Q And do you recall where the call was in
7 regard to what the address was?

8 A I don't remember the address offhand, but it
9 was not that far away in the district.

10 Q And, when you arrived in the engine, when you
11 first arrived on scene, as you were arriving on scene,
12 what, if anything, did you sort of see upon your
13 arrival?

14 A So the police were already there. We were
15 approaching the scene. I could see several people off
16 to the side in the yard doing something. So went to
17 investigate that.

18 Q And, when you say "off to the side," was that
19 to your left, to your right or something else?

20 A So when I was approaching the street, it was
21 on the left-hand side.

22 Q And you indicated you see some group of
23 people; is that correct?

24 A Yes. There was a few people around. I don't
25 remember exactly how many and what they were doing.

1 Q When you start to make your way over there,
2 what, if any -- when you arrive on scene --

3 A Yes.

4 Q -- what is sort of the first thing that you
5 do?

6 A So we went to evaluate the patient. I
7 believe someone had started CPR prior to us getting
8 there. So we went to continue that.

9 Q When you say "someone had started CPR prior
10 to you" --

11 A I don't remember the particular individual
12 that was doing it as we arrived.

13 Q Okay. My only question, sir, is so it's
14 someone outside of your department, correct?

15 A Yes.

16 Q And do you know if it was one of the police
17 officers or someone else?

18 A I don't remember.

19 Q Now, obviously, your dispatched in response
20 to an unresponsive male, correct?

21 A Yes.

22 Q And, at the time that you're arriving on
23 scene, you say you see sort of a cluster of people.
24 Were you able to see that unresponsive male at that
25 point?

1 A Not in the vehicle. Not until I exited the
2 vehicle.

3 Q And, at some point much later and
4 subsequently, did you come to learn the identity of
5 the unresponsive male or the patient that you were
6 involved with?

7 A Afterwards, they told me. Yes. At the time,
8 I did not know.

9 Q And what did you learn his name to be
10 subsequently?

11 A I'm sorry. I'm a little nervous. I'm
12 blanking right now.

13 Q Was it Mr. John O'Keefe?

14 A Yes. Correct.

15 Q And, when you first came over to where
16 Mr. O'Keefe was, Mr. O'Keefe was on the ground; is
17 that correct?

18 A Yes, he was.

19 Q And what kind of position was his body in
20 when you first observed it?

21 A He was lying supine, like on his back. He
22 was parallel to the street, about eight feet away from
23 the snowbank.

24 Q And, in reference to that as far as the snow
25 was concerned, what, if anything, what, if any, snow

1 did you observe on or around where he was?

2 A He was covered with snow and there was snow
3 around the area.

4 Q And so from a treatment of Mr. O'Keefe as a
5 patient, what is sort of the first thing that you did
6 or --

7 A We started CPR or CCR, sorry, immediately.
8 Someone went to go get a board and get him onto that
9 so we can get him onto the stretcher and move him to
10 the ambulance. And then someone else was trying to
11 get the backstory, trying to figure out the scenario,
12 what we're dealing with.

13 Q Okay. If I could just stop you for a moment,
14 sir.

15 A Yes.

16 Q You mentioned CCR; is that correct?

17 A Yes.

18 Q Okay. So what is the difference between CCR
19 versus CPR?

20 A CPR is cardiopulmonary resuscitation. So
21 that is helping someone breathe. CCR is when we first
22 get to a scene -- they changed the protocols a little
23 while ago. So we don't have to give respirations
24 right away. We can just do compressions. It's a
25 little more effective to get the blood flowing

1 quicker.

2 Q Thank you, sir. So your involvement in
3 patient care, sort of what was that during that
4 initial phase when Mr. O'Keefe is supine on the
5 ground? What was your involvement in patient care at
6 that point?

7 A I was assisting with the CPR and making sure
8 everyone else is doing their best. As lieutenant, I
9 kind of manage the other people and make sure everyone
10 is on target, doing what they're supposed to be doing.

11 Q And, during that initial time that you're
12 outside in the area where Mr. O'Keefe is on the
13 ground, what, if any, observations did you make as far
14 as injuries to Mr. O'Keefe at that time?

15 A Outside on the ground, he was covered in
16 snow. So we're really not doing any sort of secondary
17 survey initially. The primary concern is the primary
18 survey, which is airway, breathing, circulation. He
19 was not breathing. He had no pulse. So our primary
20 concern is to get that going.

21 Q And, at some point, are you able to get him
22 from the ground to the back of the ambulance?

23 A Yeah. We moved him onto a long board, then
24 moved him from the long board onto the stretcher and
25 brought the stretcher over to the ambulance and loaded

1 him in.

2 Q You mentioned at some point upon your sort of
3 initial arrival at the patient that different people
4 were tasked with different things, correct?

5 A Yes.

6 Q Okay. And someone was tasked with trying to
7 get sort of what you termed a backstory; is that
8 correct?

9 A Yes.

10 Q And why is that important in this kind of --

11 A So when you have someone unconscious and
12 unresponsive, you want to know when they were last
13 well, the last breathing, last seen, trying to figure
14 out why someone is on the ground. You know, there are
15 different reasons of why they could be there, trying
16 to figure that out. Normally, people don't lay down
17 in the snow. So I'm trying to evaluate the reason the
18 person was unconscious.

19 Q And so you're able to get Mr. O'Keefe onto a
20 stretcher and into the back of the ambulance; correct?

21 A Yes.

22 Q Okay. And fair to say the lighting in the
23 back of the ambulance is better than it was outside?

24 A Correct.

25 Q Okay. And, when you're in the back of the

1 ambulance, are you able to then do or participate in
2 that secondary survey you were talking about?

3 A Yes. We started doing secondary survey after
4 we started getting good compressions going. Someone
5 was working on the intubation. And then the procedure
6 is to strip off the clothes and evaluate the person.

7 Q And, if you recall, how were the clothes
8 removed?

9 A I don't recall exactly which method we used.
10 Typically, we cut them off, but I'm not sure if they
11 did that or they just pulled them off.

12 Q And what, if anything, do you recall as to
13 Mr. O'Keefe's clothing and sort of what he was wearing
14 when he was found?

15 A I really wasn't paying attention to it. My
16 primary concern is trying to revive him.

17 Q Okay. So to that secondary survey as far as
18 once you're in the back of the ambulance, what, if
19 anything, did you observe as far as injuries on
20 Mr. O'Keefe at that time?

21 A He had a hematoma, a bruising, of the right
22 eye. It was very prominent. There was some scratches
23 on the right forearm. It was mostly external injuries
24 we noted.

25 Q Now, in addition -- so as far as people on

1 scene, there were a number of different firefighters
2 from your department?

3 A Yes.

4 Q And you mentioned the police were on scene
5 when you arrived; is that correct?

6 A Correct.

7 Q Okay. So beyond the police and fire, what,
8 if any, other individuals did you observe at some
9 point when you were on scene?

10 A There was some other civilians there. I
11 really wasn't paying attention to them.

12 Q Now, with reference to that backstory that
13 you were talking about, at any point in time, either
14 outside of the ambulance or inside of the ambulance,
15 who, if anyone, was tasked by you or anyone else to
16 try and obtain that backstory?

17 A I think Katie McLaughlin was the one that
18 obtained the backstory.

19 Q And, if you know, was there any other
20 conversation that you were present for between any of
21 your other firefighters and any of those civilians?

22 A That was primarily when she related to us the
23 information that she'd obtained. We were trying to
24 figure out the scenario of why he was found
25 unconscious and unresponsive.

1 Q Let me ask you this: So as far as arrival at
2 the patient when he's on the ground, who gets there
3 first? You and the other individuals in the engine or
4 the firefighters in the ambulance?

5 A We both responded from the same station at
6 the same time. The engine is in the front, the
7 ambulance usually in the rear. So I believe we pulled
8 over and the ambulance pulled over at the same time as
9 us. I believe C5 went, as well, which is the captain.
10 He was also responding with us.

11 Q Now, as far as the person that Firefighter
12 McLaughlin spoke to, what, if anything, did you know
13 about that person at that time?

14 A At that time, I knew nothing. I knew that it
15 was someone who had been with him. And she relayed
16 the information of what she had heard to us.

17 Q And the information that Firefighter
18 McLaughlin, without reference to what it was, but the
19 information that Firefighter McLaughlin was able to
20 obtain, did she communicate that to you and the other
21 firefighters in the ambulance?

22 A Yes. She came into the ambulance and told us
23 what she had heard.

24 Q As far as the information that Firefighter
25 McLaughlin provided, did that comport with what you

1 were observing as far as injuries to Mr. O'Keefe?

2 MR. YANNETTI: Objection.

3 THE COURT: Sustained. You can lay a
4 foundation.

5 BY MR. LALLY:

6 Q Now, as far as, again, the injuries that you
7 observed to Mr. O'Keefe in the back of the ambulance
8 were what?

9 A It was the bruising of the right eye and the
10 scratches on the forearm.

11 Q And what, if anything, did Firefighter
12 McLaughlin indicate to you had been told to her?

13 A That someone said she had hit him, and he was
14 last seen --

15 MR. YANNETTI: Objection. Move to strike.

16 THE COURT: Sustained. That will be
17 stricken.

18 MR. LALLY: May we approach, Your Honor?

19 THE COURT: Okay.

20 (Whereupon, there was a sidebar conference as
21 follows:)

22 MR. LALLY: So it's hearsay but it's not for
23 the truth of the matter asserted, Your Honor, but
24 the state of mind of this witness as far as his
25 treatment and diagnosis as far as receiving the

1 information not in conformity with what he's
2 observing on the patient and then seeking more
3 information.

4 THE COURT: So you have to lay a foundation
5 for that.

6 MR. LALLY: I think I did as far as what his
7 observations were.

8 THE COURT: Not sufficient.

9 MR. LALLY: If I don't have the statement, I
10 can't ask him if it comports with what he's
11 observed.

12 THE COURT: What do you say, Mr. Yannetti?

13 MR. YANNETTI: Well, first of all, I have a
14 question on the relevance of his state of mind as
15 it pertains to the issues in this trial and --
16 you know, I think it's just a back-door way to
17 get in some type of hearsay corroboration of
18 Ms. McLaughlin's testimony.

19 MR. LALLY: Corroboration? The jury has
20 already heard from Ms. McLaughlin as to what the
21 statements were. We've also already heard those
22 statements as related by two other witnesses
23 separately.

24 THE COURT: So what is it exactly? It's a
25 good time for our lunch break. What is it

1 exactly that you want to ask him?

2 MR. LALLY: I want to ask him what he was
3 told as far as what Firefighter McLaughlin
4 learned from this person.

5 THE COURT: And why do you say that's not
6 hearsay?

7 MR. LALLY: Again, the follow-up question
8 that I'd like to ask about is whether or not that
9 explained to him what the injuries were that he
10 observed, were purportedly what he was observing.

11
12 THE COURT: For what purpose, though?

13 MR. LALLY: Again, I think it goes to his
14 treatment in relation to Mr. O'Keefe and how that
15 was handled.

16 THE COURT: What do you say, Mr. Yannetti?

17 MR. YANNETTI: Well, I say that, you know, we
18 haven't received any notice that this witness
19 would be offered as an expert witness. I think
20 there has been a lack of foundation in terms of
21 his qualification to give an opinion of the
22 status of the injuries and whether they comport
23 with what he's viewing. He's not an expert
24 pathologist or he hasn't been qualified in any
25 way. So I would object on that basis, as well.

1 THE COURT: Isn't this what you all put in
2 through another paramedic, that I did tell
3 Mr. Jackson he needed to lay a different
4 foundation?

5 All right. We will take a lunch recess.
6 When we come back, you can argue it to me.
7 (Whereupon, the sidebar conference concluded.)

8 THE COURT: Jurors, we always try and check
9 and make sure that your lunch is here before we
10 take a break. I'm told that it is. So we will
11 take a lunch break. We'll see everybody here
12 ready to start right at 2:00 o'clock.

13 (Whereupon, the jury is escorted from the
14 courtroom and the luncheon recess is taken.)
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A F T E R N O O N S E S S I O N

(Court resumes.)

(Defendant present. Jury present.)

THE COURT: All right. Let's get the lieutenant back up here.

THE CLERK: Sir, I remind you, you're still under oath.

THE WITNESS: Okay.

THE COURT: Go right ahead, Mr. Lally.

MR. LALLY: Thank you, Your Honor.

BY MR. LALLY:

Q So Lieutenant Woodbury, turning your attention back to the treatment of Mr. O'Keefe in the back of the ambulance, okay?

A Yes.

Q With respect to that, you testified that you don't recall sort of specifically anything as far as clothing for Mr. O'Keefe; is that correct?

A I was not paying attention to the clothing.

Q And so to that point, what were you paying attention to at that point?

A Primarily, the big issue was doing the CCR and then the CPR. We're trying to resuscitate the person as best we can. We know with a hypothermic patient, it's very difficult. It's a longer treatment

1 protocol than a typical cardiac arrest, because we
2 have to do the CPR for an extended period of time. We
3 have to get the patient warmed up. So the clothing is
4 just quickly removed versus examined or looked at.
5 And the focus was on getting compressions done.
6 Someone was trying to intubate, getting a line
7 started. So that's what we are mainly focused on.

8 Q And, as far as treatment is concerned, what,
9 if any, sort of interplay or intersection is there
10 between a cardiac arrest and a hypothermic patient?

11 A When someone is hypothermic and in cardiac
12 arrest, we can't declare them dead or passed on until
13 they've been warmed up. A lot of times with
14 hypothermic patients, they can appear to be dead when
15 they're still actually alive. So there have been
16 instances where people have woken up in morgues that
17 were hypothermic when their body warmed up a little
18 bit. So we have to be very cautious, very careful
19 about, you know, treating them as much as we can, as
20 carefully as we can. You can't shake them too much.
21 You can't move them too much. So it's getting the
22 blood circulating and then starting ventilating after
23 a few minutes.

24 Q Turning back to the CCR, the chest
25 compressions, that you were talking about, what, if

1 any, sort of, based on your training and experience,
2 what, if any, sort of protocols are -- well, let me
3 ask you this: Were you doing chest compressions
4 throughout the entirety of this interaction with the
5 patient,

6 Mr. O'Keefe?

7 A No. Chest compressions, most people do them
8 about two minutes. After two minutes -- it's very
9 tiring to do chest compressions. So we swap off every
10 few minutes. So a different person will come in and
11 do the compressions. They'll do it for a little while
12 and go to a different task. Someone else will come in
13 and do compressions.

14 Q And is that sort of the protocol that you
15 followed in this instance with regard to Mr. O'Keefe?

16 A Yes. Yes. We were rotating the
17 compressions.

18 Q And the ambulance at some point leaves the
19 scene and goes to a hospital; is that correct?

20 A Correct.

21 Q And do you know what hospital Mr. O'Keefe was
22 transported to?

23 A Good Samaritan Medical Center.

24 Q And did you go along for that ambulance ride?

25 A No, I did not.

1 Q Where did you go from there?

2 A So as the lieutenant on the engine, I stayed
3 with the engine. I detailed my two other engine
4 personnel to the ambulance. So they went with the
5 two engine personnel, the two regular people on the
6 ambulance, as well as an additional person. Tim
7 Nuttall was the extra person for that one.

8 Q So you take the engine and go where?

9 A I went back to the station.

10 Q And at some point shortly after that, are you
11 called back to the roadway of Fairview Road?

12 A Yes.

13 Q In the same general area of Fairview Road?

14 A Yes. Same address.

15 Q And how is it that you get from the station
16 back to Fairview?

17 A So we had struck a box to cover the personnel
18 that we had detailed. That means we send out a page,
19 looking for additional people to come in. We had
20 Sam Poch come in. So he was my engine driver, and I
21 was in the lieutenant's seat. We responded back in
22 Engine 4.

23 Q And the ambulance that had been there on
24 Fairview Road with you previously was at Good
25 Samaritan still, correct?

1 A Yes. A call like that takes an extended
2 period of time, even at the hospital to assist them
3 there. So we had to get an ambulance from Station 2.

4 Q And, if you know, who was on that ambulance
5 from Station 2?

6 A That was Jason Becker and Dan Whitley.

7 Q Now, with reference to this particular call,
8 what, if anything, was this second dispatch with
9 regard to?

10 A So this call was for a Section 12, which is
11 someone having a psychological issue.

12 Q And do you know who that Section 12 was in
13 regard to?

14 A Yes. For Karen Read.

15 Q And, at some point, you go back to the scene
16 along with the engine and the second ambulance from
17 Station 2?

18 A Yes. So the engine got there first, the
19 ambulance coming from another station. So it was a
20 couple extra minutes before they got there.

21 Q And, when you arrived, who, if anyone else,
22 is sort of on scene on Fairview Road at that point?

23 A The police were still on scene. They had
24 never left. So it was me, Sam Poch and the police.
25 So I went up and tried to get the backstory of why

1 we're doing a Section 12 and what was going on.

2 Q And, when you first arrive, without regard to
3 what was said to you, but who, if anyone, do you speak
4 with to sort of try to gain this information or
5 backstory?

6 A When I got onto the scene, I talked to the
7 police that was there.

8 THE COURT: Who did you talk to? Police
9 officer?

10 THE WITNESS: Yes. The police officer. Yes.
11 I'm sorry.

12 BY MR. LALLY:

13 Q And do you recall specifically who that
14 police officer was that you spoke to?

15 A I really did not pay attention to the
16 individual officer.

17 Q And, at some point, you have a conversation,
18 and what, if any, conversation do you have with the
19 patient in this case, the defendant, Ms. Read?

20 A So it was -- when we identified Karen Read as
21 the patient, the ambulance arrived shortly after. We
22 started talking to her and trying to get her into the
23 ambulance to talk to her further.

24 Q And, just to be clear, for the record, when
25 you say "Ms. Read," do you see her in the courtroom

1 today?

2 A Yes. She's right over there.

3 MR. LALLY: I'd just ask the record reflect
4 identification of the defendant by the witness.

5 THE COURT: Yes.

6 MR. LALLY: Thank you, Your Honor.

7 BY MR. LALLY:

8 Q Now, with respect to the defendant, Ms. Read,
9 where is she sort of when you first make contact with
10 her on scene when you come back?

11 A In the general vicinity of where the police
12 cars are.

13 Q And what is sort of the purpose of this
14 initial conversation that you're having with Ms. Read?

15 A For a Section 12, that's when someone has
16 made threats to harm themselves or others. So I just
17 had to judge her mental ability at the time and see if
18 she was a threat to us and how much of a threat she was
19 to herself.

20 Q So just a quick evaluation to see how her
21 behavior was.

22 Q And what, if any, observations did you make
23 of her during your quick conversation?

24 A She appeared very distraught, very upset, you
25 know, initially, just trying to explain the situation

1 to her about going to the hospital with the Section
2 12. And she was resistant to that.

3 Q So when you say she was resistant to that,
4 what, if anything, did she say or do to communicate --

5 A Well, she did not want to go --

6 MR. YANNETTI: Objection.

7 THE COURT: Hold on. You cannot talk over
8 each other.

9 THE WITNESS: I'm sorry.

10 THE COURT: The objection is overruled.

11 BY MR. LALLY:

12 Q Please go ahead, sir.

13 A So what was the question again, please?

14 Q So what, if anything, did -- when you say she
15 was resistant, what, if anything, did she communicate
16 to you or observations did you make in regard to that?

17 A She did not want to go to the hospital, and
18 she didn't think she needed any assistance.

19 Q And what, if anything, are you sort of -- you
20 mentioned you were explaining sort of the process to
21 her. What, if anything, are you saying in that
22 explanation?

23 A Well, once a Section 12 gets written -- it's
24 written by the police. Once it's written, we are
25 required to transport to the hospital. Section 12

1 means that they believe you're a threat to yourself or
2 others. So you have to get evaluated at the hospital
3 by the hospital staff there to see how mentally stable
4 you are.

5 Q Now, at this time of this conversation, what,
6 if anything, did you know as far as a relationship
7 between Ms. Read and the prior patient, Mr. O'Keefe?

8 A I know they had a relationship. I wasn't
9 sure if they were married or engaged or what their
10 status was. But I knew she did have a strong
11 relationship with him.

12 Q And, in reference to Mr. O'Keefe during your
13 conversation with Ms. Read, what, if anything, was she
14 asking or saying in reference to Mr. O'Keefe?

15 A She kept repeating, is he dead, is he dead.
16 She seemed very concerned about that. We were trying
17 to explain to her that we cannot declare him dead.
18 He's being evaluated. He's being treated. They're
19 trying to treat him the best they can.

20 Q And, as far as when she's stating these
21 things to you, as far as sort of tonality of her voice
22 while she's saying these things to you, can you
23 describe that?

24 A She was very up and down. It was a
25 repetitive conversation with her. She was obviously

1 experiencing a lot of different emotions. Her
2 emotional state was all over the place.

3 Q And, as far as this sort of second time that
4 you're on scene, about how long a period of time are
5 we talking about?

6 A That was about 15 or 20 minutes.

7 Q And, as far as your conversation with
8 Ms. Read, where did she go? Did you stay with her
9 sort of the entire time that she was on scene that
10 second time or --

11 A Because she was resistant, we were trying to
12 get her to voluntarily go. If someone voluntarily
13 goes, even with the section written, they are released
14 a lot quicker. So we are trying to convince her to go,
15 be willing to go with us versus being forced. If at
16 some point we have to actually force her to go against
17 her will, then it's going to be a much longer hospital
18 stay.

19 So our main goal with staying on the scene so
20 long was to try to get her willingly to go. It just
21 makes her experience much better.

22 Q Just to be clear, when you say "we," who
23 specifically are you referring to?

24 A It was me, Dan Whitley and Jason Becker were
25 the ones talking to her in the back of the ambulance.

1 Q And, when you clear or when you leave the
2 scene, where is Ms. Read at that point?

3 A So the ambulance transported her to Good
4 Samaritan. We also detailed Sam Poch as the driver.

5 Q So the gentleman who had driven or the
6 firefighter who had driven your engine to the scene
7 then drives the ambulance away?

8 A Yes.

9 THE COURT: Would you say his name again,
10 please?

11 THE WITNESS: Sam Poch.

12 THE COURT: Sam what?

13 THE WITNESS: Sam Poch.

14 THE COURT: Spell it, please, his last name?

15 THE WITNESS: P-O-C-H is the last name.

16 MR. LALLY: Thank you, sir. I have no
17 further questions, Your Honor.

18 THE COURT: Okay. Mr. Yannetti?

19 MR. YANNETTI: Thank you.

20 CROSS-EXAMINATION

21 BY MR. YANNETTI:

22 Q Good afternoon, sir.

23 A Good afternoon.

24 Q Mr. Woodbury, you and I have never met or
25 spoken, correct?

1 A No.

2 Q I know you said you were nervous. So I'm
3 going to try and make this fairly brief, sir.

4 A Okay. Thank you.

5 Q I just have a couple of areas that I'd like
6 to go over.

7 So with regard to your interaction with
8 Karen Read and what you actually heard from her mouth,
9 that's sort of where I want to concentrate as opposed
10 to anything that anybody else may have said to you
11 about what they believed she might have said. Okay?

12 A Okay.

13 Q And it seems to me that your main interaction
14 with her was not when the initial call came in to
15 respond to, you know, a man who was unresponsive in
16 the snow. It was after you went back to the station
17 in the engine and then came back to the scene for the
18 purposes of the Section 12 as you described it. Would
19 that be fair to say?

20 A Correct.

21 Q And, when you came back to the scene for the
22 Section 12, it's also fair to say that the Section 12
23 issue was your focus, correct?

24 A Correct.

25 Q You had an order in hand, correct?

1 A The police had it, and they gave it to us
2 when we got there.

3 Q Right. Okay. So you got an order in hand
4 once you got there?

5 A Correct.

6 Q Which is what you expected to happen,
7 correct?

8 A Yes.

9 Q And your focus at that point is, okay -- and
10 I don't want to be, you know, too flip, but we can do
11 this the easy way or the hard way. Is that a fair
12 characterization?

13 A That is one way to put it.

14 Q And you wanted to do it the easy way?

15 A Yes.

16 Q And you wanted to persuade Karen Read that
17 she should want to do it the easy way, correct?

18 A Yes.

19 Q And, after some conversation back and forth
20 where she was initially resistant, she eventually
21 agreed, yes, I'll -- not to put words in your mouth or
22 hers, but to the effect of, yes, we'll do this the
23 easy way, correct?

24 A We did get her to agree to transport.

25 Q And, with regard to her state of mind, I

1 believe you had testified that she appeared to be very
2 distraught?

3 A Yes. Correct.

4 Q Going through a lot of emotions?

5 A Yes.

6 Q Grief stricken?

7 A That's one of them, yes.

8 Q Hysterical at times?

9 A Yes.

10 Q Raising her voice at times?

11 A Yes.

12 Q Crying at times?

13 A I didn't see any actual tears, but --

14 Q That type of --

15 A -- that type of emotional display.

16 Q All right. So in terms of the only
17 commentary that you heard with regard to her feelings
18 or questions regarding John O'Keefe, it was the
19 statements that you heard repetitively over and over
20 and over again, is he dead, is he dead, is he dead, is
21 he dead?

22 A That was some of the things she was saying,
23 yes.

24 MR. YANNETTI: Your Honor, may we approach
25 sidebar briefly?

1 THE COURT: Okay.

2 (Whereupon, there was a sidebar conference as
3 follows:)

4 MR. YANNETTI: My next and final line of
5 cross-examination will be with regard to the
6 injuries to his arm that this witness testified
7 about. And the reason I'm approaching sidebar is
8 I would like to show him the autopsy photo that
9 the Court has previously seen, which depicts the
10 injuries that he's described. Given the
11 sensitive nature of it, I didn't want to display
12 that in open court without getting the Court's
13 permission first.

14 THE COURT: What does the Commonwealth say?

15 MR. LALLY: As far as that photograph, I
16 would anticipate something along --

17 THE COURT: Speak up.

18 MR. LALLY: I'm sorry. I would anticipate
19 something along the same lines that I would be
20 seeking to introduce at a later time.

21 THE COURT: Is this what he saw, though, in
22 that short time in the ambulance?

23 MR. LALLY: That, I don't know.

24 MR. YANNETTI: Well, he saw those injuries.
25 Whether they had more blood on them or not --

1 THE COURT: These are obviously going to come
2 into evidence.

3 MR. YANNETTI: They are.

4 THE COURT: I'm just not sure this is the
5 right witness.

6 MR. YANNETTI: Well, I want to explore that,
7 Judge. And, if I fail to lay a foundation, I
8 will mark them for I.D. But I want to show it to
9 him to see if he will identify it.

10 THE COURT: Why do you need three?

11 MR. YANNETTI: I don't.

12 THE COURT: Okay. I am going to mark one for
13 identification now. If he adopts it, you can put
14 it in through him.

15 MR. YANNETTI: Great.

16 THE COURT: If he doesn't adopt it, you
17 can't --

18 MR. YANNETTI: I understand.

19 THE COURT: Mr. Jackson, please come back.

20 MR. YANNETTI: What is the letter for I.D.?

21 THE COURT REPORTER: That will be "N" for
22 I.D.

23 THE COURT: Thank you. Do you intend to put
24 it up on the screen afterwards?

25 MR. YANNETTI: I would, yes.

1 THE COURT: All right. So get him to adopt
2 it.

3 MR. YANNETTI: Yes.

4 (Whereupon, the sidebar conference concluded.)

5 BY MR. YANNETTI:

6 Q Lieutenant Woodbury, on your direct
7 examination, you testified a bit. I don't want to
8 block the jury here. I'm sorry. You testified a bit
9 about the injuries that you observed on John O'Keefe
10 when you first arrived at the scene, correct?

11 A Yes.

12 Q You testified about the swollen eye?

13 A Yes.

14 Q And you also testified about the scratch
15 marks that you saw on his forearm, correct?

16 A Correct.

17 Q I'd like to show you -- I'm going to approach
18 in a minute to show you what has been marked "M" for
19 Identification. And, when I hand it to you, please
20 keep it to yourself and look at it and then look up at
21 me when you're done. Okay?

22 A (Witness complies.)

23 Q Having reviewed "M" for Identification, do
24 you recognize what that depicts?

25 A Yes.

1 Q What does it depict?

2 A That is Mr. O'Keefe's right arm.

3 Q All right. Does that photograph appear to be
4 a fair and accurate representation of the scratch
5 marks that you observed on January 29th of 2022, sir?

6 A Yes.

7 MR. YANNETTI: I would offer that, Your
8 Honor.

9 THE COURT: That will be our next exhibit.
10 We'll have to maybe renumber. Counsel, before
11 you leave today, we have to figure out how to
12 keep everything straight.

13 MR. YANNETTI: Understood.

14 (Whereupon, photograph of arm was entered and
15 marked Exhibit "M" for Identification.)

16 (Whereupon, photograph, previously marked "M" for
17 Identification, was entered and marked Exhibit
18 No. 382 in Evidence.)

19 THE COURT REPORTER: That will be Exhibit 382
20 for now.

21 MR. YANNETTI: And, with the Court's
22 permission, Your Honor, may I have that published
23 on the screen for the jury?

24 THE COURT: Yes.

25 BY MR. YANNETTI:

1 Q Now, on direct examination, Lieutenant --
2 hang on -- I mean, if I could have a moment. I'm
3 going to try to get out of your way so everybody can
4 see.

5 With regard to the injuries that you've
6 described on direct examination, Lieutenant, I believe
7 you had mainly concentrated --

8 THE COURT: I'm sorry. Please take this down
9 for a minute. I need to see counsel at sidebar.
10 Jurors, feel free to stand up and stretch.
11 (Whereupon, there was a sidebar conference as
12 follows:)

13 THE COURT: What I hadn't noticed quite as
14 clearly is the body shows up tremendously on the
15 screen, and we've got a photographer over there
16 aiming his camera at it.

17 MR. YANNETTI: I see.

18 THE COURT: You've got your I.T. guy. Can
19 you block that out?

20 MR. JACKSON: Yes. We'll do that right now.
21 Can we have 30 seconds?

22 THE COURT: Yes. So we can take the photo --

23 MR. JACKSON: It's electronic.

24 THE COURT: I understand that, but just so
25 you know exactly where, just the arm.

1 MR. YANNETTI: Just show that to him. Just
2 show him what needs to be cropped off.

3 (Whereupon the sidebar conference concluded.)

4 THE COURT: Jurors, feel free to stretch if
5 you want.

6 THE COURT: Mr. Yannetti, are you all set to
7 put it back up on the screen?

8 Do you have any other questions that you can
9 move on to, Mr. Yannetti?

10 MR. YANNETTI: Well, I want to refer to the
11 photo when I ask them. I don't have many
12 questions left, but I did want to use the photo.

13 THE COURT: All right. This is the only area
14 of inquiry?

15 MR. YANNETTI: Correct.

16 THE COURT: Jurors, why don't we take a five-
17 minute recess.

18 (Whereupon, the jury is escorted from the
19 courtroom for a brief recess.)

20 THE COURT: I'll see counsel at sidebar and
21 make use of this time, please.

22 (Whereupon, there is a sidebar conference as
23 follows:

24 THE COURT: So when you get cropped if we
25 could also print a copy of that and exchange it

1 for --

2 MR. YANNETTI: Definitely. Yeah.

3 THE COURT: -- what's been produced?

4 MR. YANNETTI: We wanted to print it --

5 THE COURT: Okay.

6 MR. YANNETTI: We wanted to print it so that
7 you could see it before we put it up there.

8 THE COURT: That's great. And then we will
9 swap the exhibits.

10 THE COURT: Yes. That makes sense. Yes?

11 MR. LALLY: Your Honor, while we are here,
12 I'm sorry, just with reference to what the Court
13 had said once before as far as Exhibit 160, so
14 Ms. Gilman was able to print out a redacted copy
15 --

16 THE COURT: Okay.

17 MR. LALLY: -- of both run reports for
18 Mr. O'Keefe and for Ms. Read.

19 THE COURT: Oh. Is Ms. Read's going into
20 evidence now?

21 MR. LALLY: With the next witness, probably.

22 THE COURT: Okay.

23 MR. LALLY: So I just wanted to give counsel
24 an opportunity to look at them and the Court,
25 obviously, before I did that.

1 THE COURT: Okay. That's great. So we'll
2 swap another exhibit later. We are going to need
3 some time today. I need you to let us know what
4 exhibits you have referred to by number during
5 the course of your questioning because it really
6 does not make sense to have 308, 309 when they
7 should be 18, 19 and 20.

8 So I will allow counsel in further
9 questioning to say what was previously marked
10 Exhibit 308 and is now Exhibit 17, to do it that
11 way.

12 MR. LALLY: Okay.

13 THE COURT: But, if you've already -- we will
14 wait until the end of today. So if you already
15 intend to refer to the prior exhibits by their
16 numbers, we will do that for today.

17 MR. LALLY: Okay.

18 THE COURT: Okay? All right? So why don't
19 we -- oh, is he ready? Okay. Why don't you go
20 over there.

21 All right. So we are going to replace --

22 THE CLERK: Actually, wasn't it introduce as
23 382?

24 MR. YANNETTI: Yes.

25 THE COURT: And then it's coming in, but it's

1 "M" and then 382.

2 THE CLERK: Yes.

3 MR. YANNETTI: Gotcha.

4 THE COURT: So we are replacing what's
5 previously been marked for identification "M" and
6 362 with what I have in my hand. And everyone is
7 in agreement with that?

8 MR. LALLY: Yes, Your Honor.

9 MR. YANNETTI: Yes.

10 MR. YANNETTI: It's 382.

11 MR. LALLY: It's 382.

12 THE COURT: That's what I said, didn't I?

13 MR. YANNETTI: No. You said 362.

14 THE COURT: Oh, I'm sorry. 382. All right.
15 So this can go back up on the board. Do you all
16 need a couple of minutes?

17 MR. JACKSON: We're ready.

18 THE COURT: Paul, did we disrupt that trial
19 for this?

20 THE COURT OFFICER: No.

21 THE COURT: All right. So why don't we bring
22 them right back? All right. So everyone is in
23 agreement with that?

24 MR. LALLY: Yes.

25 MR. YANNETTI: Yes.

1 THE COURT: Why don't we deal with
2 Mr. Lally's. We will replace the John O'Keefe
3 report -- I don't remember the number -- later
4 today. But, for now, this Ms. Read report, by
5 agreement, will go into evidence as is?

6 MR. JACKSON: Correct.

7 THE COURT: Okay. So we will replace this
8 later. We are going to have to spend a few
9 minutes doing that anyway.

10 MR. JACKSON: Okay.

11 THE CLERK: And, for the record, Your Honor,
12 it was Exhibit 160.

13 THE COURT: The O'Keefe report, Jim?

14 THE CLERK: It was marked "G" for
15 Identification.

16 THE COURT: Nancy, do you want to change this
17 too? "G" for I.D. and 160 is now being replaced
18 with new "G" for I.D. and 160. Everyone is in
19 agreement with that?

20 MR. LALLY: Yes, Your Honor.

21 THE COURT: Are you in agreement with that?

22 MR. YANNETTI: I'm sorry. I was in
23 conference with my co-counsel.

24 THE COURT: Changing the exhibits now with
25 the new exhibits.

1 MR. YANNETTI: Yes. Yes. I would like to
2 take the other exhibit back in case -- I'm not
3 going to publish that but if I wanted to ask the
4 witness a question about that.

5 THE COURT: What exhibit?

6 MR. YANNETTI: The one that we are replacing.
7 The one that was "M" for Identification
8 originally.

9 MR. LALLY: Mr. Yannetti, what she was asking
10 you about was the run report, not the photograph.

11 THE COURT: Oh, I'm sorry. Oh, yeah. No.
12 We are fine with that. Sorry.

13 THE CLERK: I do have a question. "M" has
14 been replaced.

15 THE COURT: Yes.

16 THE CLERK: So what is this? This is the
17 original. So is that also going to be marked for
18 identification?

19 THE COURT REPORTER: I'm missing a lot of
20 this. Hold on.

21 THE COURT: We need to mark what we are
22 replacing for identification.

23 THE COURT REPORTER: That would be "N" for
24 Identification.

25 THE COURT: Okay. "N," as in Nancy?

1 THE COURT REPORTER: Yes.

2 THE COURT: So 160 that was previously "G"
3 but now has been replaced.

4 THE COURT REPORTER: And that sticker will go
5 right over the "G."

6 THE COURT: Thank you.

7 (Whereupon, Exhibits 160 and Exhibit "G" were
8 remarked.)

9 THE COURT: And then the photograph that was
10 replaced, this that replaced the old one -- where
11 is the old one?

12 MS. MC LAUGHLIN: It's right here.

13 THE COURT: Okay. So we need to mark that.

14 THE CLERK: Yes.

15 THE COURT: All right. So this will be --

16 THE COURT OFFICER: All rise for the jury.

17 (Whereupon, the jury was enters the courtroom and
18 is seated in the jury box.)

19 THE COURT: -- "O" for Identification. All
20 right. Thank you.

21 MR. YANNETTI: Thank you.

22 (Whereupon, photograph of arm, Exhibit No. 382
23 was replaced with a redacted copy in Evidence.)

24 (Whereupon, photograph of arm, previously marked
25 Exhibit "M," was replaced with a redacted copy in

1 Evidence.)

2 (Whereupon, unredacted report previously remarked
3 Exhibit No. 160 was entered and marked Exhibit
4 "N" for Identification.)

5 (Whereupon, redacted version previously marked
6 Exhibit No. 160 in Evidence was remarked.)

7 (Whereupon, redacted version previously marked
8 Exhibit "G" for Identification was remarked.)

9 (Whereupon, unredacted Exhibit "M" for
10 Identification and Exhibit No. 382 in Evidence
11 was marked Exhibit "O" for Identification.)

12 (Court resumes.)

13 (Defendant present. Jury present.)

14 THE COURT: Jurors, I can assure you we are
15 in really good shape. It's an organizational
16 situation that I have to deal with. So we've
17 been dealing with that. We appreciate your
18 patience, and we are in good shape.

19 Mr. Yannetti, if you need the exhibit, it's
20 here.

21 MR. YANNETTI: Terrific. May I have it
22 published again on the screen, Your Honor?

23 THE COURT: Yes.

24 BY MR. YANNETTI:

25 Q Now, Lieutenant, with regard to the injuries

1 that you observed, did you notice any lividity on the
2 body when you were looking at John O'Keefe?

3 A Being hypothermic, he was very pale overall.
4 So the skin wasn't pinked yet. So it's hard to really
5 judge the rest of the skin until it's warmed up and
6 much later into the scene.

7 Q You are familiar with the term "lividity,"
8 though?

9 A Yes.

10 Q Can you just explain that for the jury?

11 A That's like bruising.

12 Q Bruising?

13 A So the pooling of blood in the lower
14 sections. So for like a cardiac arrest patient, when
15 they have lividity, it looks like bruising on the
16 underside where all the blood has pooled.

17 Q Right.

18 A We didn't really notice that.

19 Q But it's not actually bruising from an
20 injury. It's just the blood being drawn down by
21 gravity?

22 A It's the same thing. Yes.

23 THE COURT: One at a time, please.

24 THE WITNESS: Sorry. Yes. So it appears

25 like bruising. And bruising is basically pooling

1 of blood under the skin. So lividity is just
2 gravity-fed pooling of blood under the skin. It
3 usually happens in the section of the body that
4 is lowest.

5 BY MR. YANNETTI:

6 Q I see. Okay. Now, with regard to the
7 scratches that you've testified about and that you now
8 observe on Exhibit 382, I believe -- and you'll
9 correct me if I am wrong. But I believe your
10 testimony on direct examination was that you observed
11 them in the forearm area, correct?

12 A It was the right like forearm to arm. Like
13 right up here. Yes.

14 Q Okay. I guess that's my point.

15 A Yes.

16 Q It wasn't just on the --

17 A Not just. It was the arm area. Mostly what
18 I noticed was forearm, but there was some around
19 there.

20 Q So it wasn't just below the elbow?

21 A No. It was not just below the elbow.

22 Q There was some above the elbow, as well?

23 A Yes.

24 Q That's consistent with Exhibit 382?

25 A Correct.

1 MR. YANNETTI: If I may just have a moment,
2 Your Honor?

3 THE COURT: Yes.

4 MR. YANNETTI: No further questions.

5 THE COURT: Mr. Lally, anything further?

6 MR. LALLY: No, Your Honor.

7 THE COURT: All right. Lieutenant, thank you
8 very much, sir. You're all set.

9 THE WITNESS: Thank you.

10 (Whereupon the witness is excused.)

11 THE COURT: Your next witness, Mr. Lally?

12 MR. LALLY: Yes, Your Honor. The
13 Commonwealth would call Mr. Daniel Whitley to the
14 stand.

15 Whereupon,

16 DANIEL WHITLEY

17 having been first duly sworn, was examined and
18 testified under oath as follows:

19 THE COURT: Good afternoon, sir.

20 THE WITNESS: Good afternoon.

21 THE COURT: Whenever you are ready, Mr.
22 Lally.

23 MR. LALLY: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MR. LALLY:

1 Q Good afternoon, sir.

2 A Good afternoon.

3 Q Could you please state your name and spell
4 your last name for the jury?

5 A Daniel Whitley, W-H-I-T-L-E-Y.

6 Q And what do you do for work, sir?

7 A I'm a paramedic/firefighter with the Town of
8 Canton Fire Department.

9 Q And how long have you been a member of the
10 Canton Fire Department?

11 A I was hired in March of '06.

12 Q And, prior to that work with the Canton Fire
13 Department, did you work within that same field in any
14 other capacity for any other company?

15 A Yes. Correct. I worked for American Medical
16 Response out of Brockton as an EMT, EMT intermediate
17 and a paramedic for five years.

18 Q And you're a certified paramedic; is that
19 correct?

20 A Correct.

21 Q And how long have you held that
22 certification?

23 A It was, I believe, November of 2006 that I
24 got that certification.

25 Q And is there any sort of continuing

1 educational component or recertification process
2 that's involved for being a certified paramedic?

3 A Yes. We recertify every two years. We are
4 required to hold basic life support, just generally
5 CPR and advanced cardiac life support, which is ACLS.
6 It's more dealing with EKGs and how to run
7 resuscitations, cardiac arrests. Things of that
8 nature.

9 Q Now, sir, if I could turn your attention to
10 January 28th, into January 29th of 2022. Were you
11 working with the Canton Fire Department on those
12 dates?

13 A Yes.

14 Q What kind of shift were you working?

15 A Twenty-four-hour shift, 8:00 a.m. to 8:00
16 a.m.

17 Q And where were you assigned on that
18 particular date?

19 A Ponkapoag Station. Station 2.

20 Q And, the Ponkapoag Station, where is that
21 located within Canton?

22 A The north side of town on Sassamon Street.

23 Q And were you assigned to a specific duty or a
24 specific vehicle?

25 A Yes. I was assigned to Ambulance 2 with

1 Jason Becker. I was a field training officer at that
2 point, and he was just finishing up his field training
3 after he recently became certified as a paramedic.

4 Q Now, at some point shortly after 6:00 a.m.,
5 were you aware of a call or dispatch in regard to
6 Station House 1?

7 A Yes. We had just returned from a previous
8 call about 5:00 a.m. and heard the tones go off.
9 Actually, we were in the day room which is where we --
10 basically, it's the living room of a fire station.
11 And we got the tones going off. We heard the police
12 going to Fairview Road. We just kind of sat and were
13 wondering what was going on there.

14 Q Now, you, yourself, you and Firefighter
15 Becker, were you dispatched to a call, as well,
16 approximately 6:41 or 6:42 a.m.?

17 A Yes.

18 Q And, at the time that you received that
19 dispatch, what, if anything, were you aware of with
20 regard to the prior call that the other ambulance went
21 to?

22 A So when the tones go off between the two
23 stations, we are able to hear what the dispatch
24 complaint is, what they're going for. And it came in
25 as, I believe, CPR in progress in the snow, or

1 something to that regard. So we knew it was a fairly
2 serious call that Station 1 had gone to.

3 Q Now, when you receive your dispatch at
4 approximately 6:42 a.m. or so, what was that call in
5 regard to and where did you respond to?

6 A We were dispatched for a Section 12.

7 Q As far as your assignments within the
8 ambulance between yourself and Firefighter Becker,
9 with regard to this call, who was doing what?

10 A I was driving. He's what we call the tech,
11 the lead paramedic on the case. That's just generally
12 how it operated.

13 Q And, from your response or your driving from
14 Station 2 to Fairview Road, what, if anything, did you
15 observe or experience en route in between the two?

16 A At that point, it was snowing pretty heavily.
17 We were coming down Chapman Street, getting ready to
18 take a right onto Fairview. We nearly slid off the
19 road, making the turn onto Fairview. It was snowing
20 that heavily, and I don't believe the roads had been
21 really plowed or treated or anything like that for us
22 to -- so it was pretty slippery.

23 Q Now, in addition to Ambulance No. 2 that you
24 and Firefighter Becker were in, what, if any, other
25 sort of vehicles or apparatus was dispatched to this

1 call, as well?

2 A There was Engine 3, which is the District 1
3 engine, and at least two police cruisers and another
4 gray SUV kind of further down from where we parked.

5 Q Now, when you arrive in this area on Fairview
6 Road, what, if anything, do you sort of observe as far
7 as who is there when you arrive?

8 A When I got out, my lieutenant,
9 Lieutenant Woodbury, and Sam Poch were there.

10 Q And they were on the engine; is that correct?

11 A They were on the engine. Correct.

12 Q Now, beyond sort of the personnel from your
13 department, you mentioned that there were some police
14 officers there, as well?

15 A Yes. Mullaney and Saraf and then two other
16 females, at least two other females.

17 Q And the other two females, where were they
18 when you first sort of get out of the ambulance?

19 A A few yards ahead of us. A few dozen yards
20 ahead of us, I'd say.

21 Q And were there any other vehicles beyond sort
22 of first responders that you observed on scene?

23 A Just that other gray SUV.

24 Q And so I guess my question is, where were the
25 two females that you observed in relation to the gray

1 SUV?

2 A Near it. Maybe in front of. Maybe one was
3 inside. There were three females there.

4 Q And, at some point while you're on scene, you
5 learn the identity of your patient, correct?

6 A Yes.

7 Q And what was the name of the patient?

8 A Karen Read.

9 Q And you had some conversation with Karen Read
10 that day; is that correct?

11 A Yes.

12 Q And do you see Karen Read in the courtroom
13 today?

14 A I do.

15 Q Could you just describe as to where she is
16 seated or an article of clothing that she's wearing?

17 A She is seated at that table right there
18 (indicating).

19 Q I'm sorry. If you could just point as to
20 where she is seated?

21 A Right there. (Indicating).

22 Q Thank you.

23 MR. LALLY: Your Honor, I would just ask the
24 record reflect the identification of the
25 defendant.

1 THE COURT: It may.

2 BY MR. LALLY:

3 Q Now, when you first sort of arrive on scene,
4 who, if anyone, is the first person that you talk to?

5 A Lieutenant Woodbury and Sam Poch.

6 Q And following that conversation, who, if
7 anyone, do you speak to next?

8 A Probably briefly Lieutenant Mullaney, but
9 more -- I'm sorry, not lieutenant. Officer Mullaney
10 and Officer Saraf.

11 Q Now, following your conversation -- well, let
12 me ask you this sort of in general terms.

13 When you respond to a call for a Section 12,
14 what is sort of the protocol that you go through in
15 regard to that?

16 A Whether it's a Section 12 or any call,
17 basically, the lead tech generally takes over
18 immediate patient care, goes over and assess. Usually
19 the partner will go over and try and find out
20 background details, try and find not only -- well,
21 especially for a Section 12, you want to get -- the
22 tech will get, which is Jason's role, the patient
23 story. And then I'll get everyone else's story.

24 Q And, at some point, do you have a
25 conversation with Ms. Read, as well?

1 A Oh, yes.

2 Q Okay. And where is that in relation to
3 vehicles on scene? So what is that initial
4 conversation?

5 A The initial conversation, she was very upset.
6 She kept saying -- so we had a Section 12 written, and
7 that was to take her to the hospital because she made
8 threats against her life, saying, I don't want to live
9 anymore. If my husband dies, I don't want to be alive
10 anymore.

11 And myself and Jason and Lieutenant Woodbury
12 were kind of like, well, that's seemingly more in
13 lines of normal grieving process after something
14 traumatic happens to a loved one, whether they are
15 going to die or not. You know, we kind of didn't feel
16 like it kind of led to that level of a Section 12 to
17 have her transported to the hospital.

18 So at that point, I exited the ambulance and
19 I went to speak with Officer Saraf. And I said, you
20 know, this kind of doesn't -- if we want her to be at
21 the hospital, get a full evaluation, we are going to
22 need more than just "if my husband dies, I want to
23 die," because that seems just like normal things to
24 say.

25 And so I went back to the ambulance. I don't

1 know where he went. I don't know whether it was his
2 cruiser or what. But he came back and notified me
3 that she -- her --

4 MR. YANNETTI: Objection.

5 THE COURT: Sustained.

6 BY MR. LALLY:

7 Q And, from that conversation, did you receive
8 more information and more clarity as to statements
9 that Ms. Read had made?

10 A Yes. Officer Saraf had said that --

11 MR. YANNETTI: Objection.

12 THE COURT: So not what he said, sir.

13 THE WITNESS: We were informed that --

14 MR. YANNETTI: Objection.

15 THE WITNESS: I'm not sure.

16 THE COURT: So you can't testify to what
17 somebody else told you. You can when there is no
18 objection regarding what Ms. Read told you. But
19 you can't testify what anybody else told you.

20 THE WITNESS: Okay.

21 THE COURT: When I say "sustained," that
22 means you don't answer.

23 THE WITNESS: Okay.

24 THE COURT: And the lawyer will ask another
25 question. Okay?

1 THE WITNESS: Okay.

2 THE COURT: Thank you.

3 MR. LALLY: Thank you, Your Honor.

4 BY MR. LALLY:

5 Q So, Firefighter Whitley, at some point,
6 specific to your conversations with the defendant,
7 Ms. Read, can you describe sort of her demeanor or any
8 observations you made in relation to that as you were
9 speaking with her?

10 A Yes. She was very upset. She kept asking if
11 there was any chance -- she kept asking us if we knew
12 if the person Ambulance 1 had transported was alive or
13 dead. And we could not speak to that. She asked if
14 somebody could be alive in the snow without a jacket
15 for many hours. And, at that point, we were just
16 trying to give her any hope that whomever A-1
17 transported was still alive. And we kind of just
18 talked about far off hypothermia cases where, you
19 know, kids have fallen in rivers and have been
20 submerged for many minutes, maybe even hours and
21 survive with no neurological deficits.

22 So we were just trying to give her some sort
23 of hope on the way to the hospital that there was a
24 chance that her husband could be alive.

25 Q Now, at this point, what, if anything, did

1 you know sort of about the relationship between your
2 patient, the defendant, Ms. Read; and the patient from
3 Ambulance 1 that had been transported previously.

4 A She identified him as her husband.

5 Q And is that something that she said once or
6 more than once?

7 A Many, many times.

8 Q Now, she asked you some questions about his
9 status and made specific reference to his clothing; is
10 that correct?

11 A The only thing I recall is asking if he could
12 have survived without a jacket.

13 Q Now, as far as these conversations that you
14 had with Ms. Read, where did they occur in relation to
15 the ambulance?

16 A They were in the back of the ambulance.

17 Q And who, if anyone, was present in the back
18 of the ambulance beyond yourself and the defendant?

19 A Jason Becker.

20 Q And, with reference to -- you mentioned that
21 Firefighter Becker was sort of the lead paramedic or
22 the lead tech on this; is that correct?

23 A Yes.

24 Q So is there -- from sort of his role and your
25 role, what are some of the sort of differences and the

1 duties and responsibilities in relation to a call like
2 this?

3 A So for any Section 12, our department policy
4 is there will be two EMTs, paramedics, firefighters
5 with the -- during transport at all times. That is
6 both for our safety and the patient's safety. So
7 that's why it wasn't just two EMTs or paramedics
8 driving to the hospital. I was in back with Jason,
9 and Sam Poch was driving.

10 Q Now, as far as you've testified earlier about
11 observations of her being upset or distraught, is that
12 correct --

13 A Correct.

14 Q -- was that consistent throughout your
15 interaction with her or no?

16 A No. There would be episodes where she would
17 like go from crying in her hands to all of a sudden
18 perking up. She was crying about having to take care
19 of kids, saying she couldn't do it. And I was saying,
20 you know, you can do this. It's not as hard as it
21 seems. She kept saying, I can't take care of these
22 kids. They're not my kids and they're not his kids.

23 That's when I figured out who Ambulance 1
24 transported. And I was saying, well, it seems like
25 you have a good, strong support system, people who

1 came and helped you in a blizzard to help come find
2 your husband. She said -- she asked me if I knew
3 Kerry Roberts. I said I did. She said, anybody who
4 knows
5 Kerry Roberts wouldn't say those things.

6 And that kind of took me aback a bit. It
7 seemed strange to say something like that after you
8 were just crying because your husband was dead.

9 Q Let me take you back to within --

10 A I was just kind of surprised.

11 Q If I could take you back within that just for
12 a minute.

13 So you had testified that during that, her
14 description, you sort of realized who was the patient
15 in Ambulance 1; is that correct?

16 A Yes.

17 Q And what, if anything, made you realize or
18 who did you think it was?

19 A So I live in and grew up in the Ponkapoag
20 neighborhood of Canton. Mr. O'Keefe was known for
21 taking on his niece and nephew after. So I'm not
22 really positive of the relationship, but I believe it
23 was his sister and his brother-in-law had passed away,
24 and it was something people admired him for, people
25 looked up to him for.

1 But I was able to -- I also -- I moved into
2 the Ponkapoag neighborhood back after living outside
3 of Canton for a few years. The O'Keefes lived
4 diagonally across from me. I never had any sort of
5 interaction with them or anything. When I moved in,
6 my wife was probably about six months pregnant and I
7 had two toddlers. So I was pretty busy, and I figured
8 he was pretty busy. I never even had a chance to
9 introduce myself or anything before he moved to
10 Meadows, which is how I kind of figured out --

11 MR. YANNETTI: Your Honor, I object to this
12 line of questioning.

13 THE COURT: Okay. Sustained. Next question.

14
15 BY MR. LALLY:

16 Q Now, you had also mentioned during your
17 conversation with the defendant that she had said some
18 things about Kerry Roberts, correct?

19 A Correct.

20 Q And how is it that you know Kerry Roberts?

21 A Well, Kerry lives around the corner from me.

22 MR. YANNETTI: Objection.

23 THE COURT: No. I'll allow that. Next
24 question, please.

25 BY MR. LALLY:

1 Q How long had you known Kerry Roberts?

2 A Just from moving back to the neighborhood.
3 She would run the neighborhood block party, and she
4 put out that she'd like the fire truck there on the
5 neighborhood Facebook page. So I volunteered to bring
6 the fire truck to the neighborhood block party.

7 Q And was Ms. Roberts on scene on Fairview when
8 you arrived in your ambulance?

9 A Yes.

10 Q So she was one of the other females along
11 with the defendant?

12 A Correct.

13 Q Now, with reference to when you brought up as
14 far as support system and included Ms. Roberts within
15 that, what, if anything, did the defendant say about
16 Ms. Roberts?

17 MR. YANNETTI: Objection.

18 THE COURT: Sustained. Next question,
19 please.

20 BY MR. LALLY:

21 Q Now, this conversation that you had with the
22 defendant in the ambulance, how long a period of time
23 are we talking about?

24 A Twenty, 25 minutes.

25 Q And beyond what you've already testified to,

1 what did sort of that conversation consist of or what
2 was the sort of tone and tenor of that conversation?

3 A Again, we were just trying to give her any
4 support. Once we were getting close to the hospital,
5 we --

6 MR. YANNETTI: Objection.

7 THE COURT: So the tone and tenor. What can
8 you tell us about that? That is admissible,
9 Mr. Yannetti. Go ahead.

10 THE WITNESS: The tone? She would go from
11 being almost despondent to when she asked me if I
12 knew Kerry Roberts, the only tone I can use to
13 describe it is snarky.

14 MR. YANNETTI: Objection. Move to strike.

15 THE COURT: I'll strike that.

16 BY MR. LALLY:

17 Q Now, you transported her to Good Samaritan;
18 is that correct?

19 A Correct.

20 Q And, when you -- during the transport, where
21 are you in relation to Ms. Read from Fairview to Good
22 Samaritan?

23 A I'm sorry. I don't understand.

24 Q During the transport, Ms. Read is where
25 within the ambulance?

1 A I believe we -- so we have what we call a
2 tech bench, which is a long bench. There is the
3 ambulance stretcher. Next to the ambulance stretcher
4 is we call it the CPR seat. That's where Ms. Roberts
5 sat. And then I was what we call the airway seat,
6 which is basically like a captain's chair behind the
7 stretcher.

8 Q And, in addition to yourself and the
9 defendant, who, if anyone else, was sort of in the
10 back of the ambulance at that time?

11 A During transport?

12 Q Yes.

13 A During transport, it was just me, Jason
14 Becker and Ms. Read.

15 Q Okay. So yourself along with Firefighter
16 Becker, correct?

17 A Correct.

18 Q Who was driving the ambulance?

19 A Sam Poch.

20 Q Now, when you arrive at Good Samaritan, what,
21 if anything, happens next?

22 A Ms. Read was asking to be able to see John.
23 I made the decision that I would run ahead to see if
24 that was in the realm of possibility with the
25 emergency room physician there. So I ran ahead.

1 I came into they call it the code room at
2 Good Sam, and I asked if the wife could see the
3 husband. The ER doctor asked if she would be upset.
4 I said -- if she would be upset if she was allowed to
5 or not? I said, she's going to be upset. I believe
6 she's going to be upset either way. He was asking if
7 she would get in the way of the resuscitation efforts.
8 And I said it's possible. She's very upset.

9 Q And so once you arrive at the hospital with
10 the patient, where do you go along with Ms. Read?

11 A We escorted her down to we call it the psych
12 hall or the behavioral hall.

13 Q About how long was it after you escort her
14 into the hospital that you stayed with her following
15 that?

16 A At least 10 minutes.

17 Q And, during those 10 minutes, how would you
18 describe sort of her behavior or demeanor during that
19 time?

20 MR. YANNETTI: Objection.

21 THE COURT: No. He can testify to that.

22 THE WITNESS: He was giving the nurses a hard
23 time about -- I'm sorry. She was giving the
24 nurses a hard time about getting into a johnny,
25 having to submit a urine sample. Even the ER

1 techs went to the physician who was in the code
2 room to see if she could not have to wear a
3 johnny. And the ER doc said, no, if she's in the
4 psych hall, she's a psych patient and needs to be
5 in a johnny.

6 So at that point, there was just a nurse and
7 a tech. We don't usually leave a psych patient
8 with just a single nurse and a tech. And so we
9 decided to wait until security had gotten there
10 before we left.

11 MR. LALLY: Your Honor, may I have one
12 moment?

13 THE COURT: Yes.

14 MR. LALLY: Nothing further at this time,
15 Your Honor. Thank you.

16 THE COURT: All right. Mr. Yannetti?

17 MR. YANNETTI: Thank you.

18 CROSS-EXAMINATION

19 BY MR. YANNETTI:

20 Q Good afternoon, sir.

21 A Good afternoon.

22 Q So, Mr. Whitley, when you showed up, you
23 learned that Karen Read was the patient that you were
24 to deal with, correct?

25 A Correct.

1 Q And it was your expectation that she would be
2 going to the hospital, correct?

3 A Correct.

4 Q One of the things that you do when you
5 transport somebody to the hospital is you try to get a
6 medical history, correct?

7 A Yes.

8 Q Why is that important?

9 A Generally, we get pertinent medical history
10 to pass on to the hospital. So if something were to
11 happen where the patient wasn't able to describe their
12 past medical history, it gets passed on to the next
13 caregiver, which would be the nurses and doctors at
14 the hospital.

15 Q Okay. More information is always better than
16 less information, correct?

17 A I would say so.

18 Q And, in regard to Ms. Read, did you take a
19 medical history from her?

20 A I assume Jason did.

21 Q Okay. Did you learn the results of that
22 medical history?

23 A You'd have to refer to Jason's report.

24 MR. YANNETTI: If I may have a moment, Your
25 Honor?

1 THE COURT: Yes.

2 MR. YANNETTI: May I approach?

3 THE COURT: Yes.

4 BY MR. YANNETTI:

5 Q Mr. Whitley, if I -- I'm actually going to
6 show you two documents with your permission. One
7 would be Jason's report.

8 A Okay.

9 Q And you were talking about Jason Becker,
10 correct?

11 A Correct.

12 Q The other is a police report from Sergeant
13 Yuri Bukhenik. I'm going to give you the second page
14 of that.

15 A Okay.

16 THE COURT: So let's do them one at a time.

17 MR. YANNETTI: Sure.

18 BY MR. YANNETTI:

19 Q You've asked for Jason Becker's report. So
20 I'll give you that first. Okay?

21 A Okay.

22 Q And, when I approach you, I'm going to hand
23 this to you. And I just ask you to look at it
24 silently by yourself and then look up at me when
25 you're done.

1 A Okay.

2 Q I'm going to collect that from you if you
3 don't mind.

4 A The first report was the in-first report from
5 my lieutenant.

6 Q Was Jason Becker's report included in there,
7 as well?

8 A Yes.

9 Q Having reviewed those documents, does that
10 refresh your memory as to the medical history that was
11 taken?

12 A Yes.

13 Q And what can you tell us about that?

14
15 (C)
16
17
18

19 Q I don't mean to put you on the spot.

20 A No. I understand.

21
22 (C)
23
24
25

1 A As I understand it.

2 Q And that was the medical history you got from
3 Karen Read?

4 A Correct.

5 MR. YANNETTI: I have nothing further.

6 THE COURT: All right. Sir, you are all set.
7 Thank you, Mr. Whitley.

8 (Whereupon, the witness was excused.)

9 THE COURT: The next witness?

10 MR. LALLY: Yes, Your Honor. The
11 Commonwealth would call Mr. Jason Becker to the
12 stand.

13 JASON BECKER

14 having been first duly sworn, was examined and
15 testified under oath as follows:

16 THE COURT: Okay. Whenever you are ready,
17 Mr. Lally.

18 MR. LALLY: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. LALLY:

21 Q Good afternoon, sir.

22 A Good afternoon.

23 Q Could you please state your name and spell
24 your last name for the jury?

25 A My first name is Jason. My last name is

1 Becker, B-E-C-K-E-R.

2 Q And what do you do for work, sir?

3 A I'm a firefighter with the Canton Fire
4 Department.

5 Q And how long have you been a member of the
6 Canton Fire Department?

7 A Five and a half years.

8 Q And, prior to that, what, if any, other
9 employment did you have sort of within that same
10 field?

11 A I worked at Fallon Ambulance and South Shore
12 Hospital.

13 Q How long did you work at each of those
14 respective positions?

15 A Fallon Ambulance was about five years. South
16 Shore Hospital approximately three years.

17 Q And, with regard to South Shore Hospital,
18 what is it that you did there?

19 A I was a nursing assistant in the emergency
20 room.

21 Q And, with regard to your work as a
22 firefighter/paramedic for the Canton Fire Department,
23 are you a certified paramedic?

24 A Yes.

25 Q And when did you first receive that

1 certification?

2 A October 2021.

3 Q And is that something that you receive or
4 when you receive that, is it something that goes on in
5 perpetuity, or is that something that you have a
6 continuing educational component or recertification?

7 A It's continuing education. Every two years
8 you have to recertify.

9 Q Now, sir, if I could turn your attention to
10 January 28th, 2022 into January 29th, 2022. Were you
11 working on that occasion?

12 A I was.

13 Q And where were you assigned -- I'm sorry.
14 What type of shift were you working on that occasion?

15 A What type of shift?

16 Q Yes. Like what hour to what hour?

17 A 8:00 a.m. to 8:00 a.m. Twenty-four hours.

18 Q So 8:00 a.m. on the 28th until 8:00 a.m. on
19 the 29th?

20 A Correct.

21 Q And where were you assigned on that day?

22 A I was at Canton Station 2, Ambulance 2.

23 Q And who, if anyone, else was assigned with
24 you to Ambulance 2 at Station 2 on that day?

25 A Daniel Whitley. Firefighter Daniel Whitley.

1 Q Now, at some point when you were working on
2 the 29th, shortly after 6:00 a.m. or so, did you
3 become aware of a call for Station House No. 1?

4 A Yes.

5 Q And what, if anything, were you aware of as
6 far as that earlier call?

7 A As far as we knew, there was a man down on
8 the side of the road, initial dispatch. And I believe
9 it was upgraded eventually to CPR in progress.

10 Q Now, at some point following that, at
11 approximately 6:41 a.m. or so, did your station house
12 get a dispatch to Fairview Road?

13 A Yes.

14 Q And what, if anything, was that dispatch in
15 regard to?

16 A A psych evaluation, possible Section 12.

17 Q And, in addition to yourself and Firefighter
18 Whitley in Ambulance 2, what, if any, other sort of
19 vehicles or apparatus were dispatched by your
20 department to that call, as well?

21 A Canton Engine 3.

22 Q And, if you know, who, if anyone, was on
23 Canton Engine 3 at that time?

24 A Lieutenant Greg Woodbury, Firefighter
25 Sam Poch.

1 Q Now, with regard to the ambulance that you
2 were in with Firefighter Whitley, what were sort of --
3 well, let me ask you this: Between sort of call
4 volume, what, if any, sort of policy or protocol is
5 there as far as who does what on a particular call?

6 A We switch off.

7 Q And so on this particular call that you were
8 dispatched to Fairview Road, what were sort of each of
9 your respective duties and responsibilities between
10 yourself and Firefighter Whitley?

11 A Firefighter Whitley was the driver at that
12 point, and it was my tech that was called. So the
13 next patient would be mine.

14 Q And so as sort of -- you were the lead tech
15 on this; is that correct?

16 A Correct.

17 Q As far as the lead tech's role, what, if any,
18 duties or responsibilities do you have in regard to
19 writing a report?

20 A It's my report that I'd be writing.

21 MR. LALLY: Your Honor, may I approach the
22 witness?

23 THE COURT: Yes.

24 BY MR. LALLY:

25 Q I'm showing you a document. I'd just ask you

1 to review that and look up, please.

2 A The first report up here is the engine's.
3 The second one would be mine.

4 Q So you recognize the first few pages of that
5 as the engine's report and the last few are yours,
6 correct?

7 A Correct.

8 Q And that's your report with relation to this
9 dispatch and this call, correct?

10 A Correct.

11 MR. LALLY: May I approach again, Your Honor?

12
13 THE COURT: Yes.

14 MR. LALLY: The Commonwealth would seek to
15 introduce this as the next exhibit.

16 THE COURT: So both reports through this
17 witness?

18 MR. LALLY: Yes.

19 THE COURT: Is there any objection?

20 MR. YANNETTI: I'll just take a look at the
21 D.A.'s copy.

22 Your Honor, may we approach?

23 THE COURT: Okay.

24 (Whereupon, there was a sidebar conference as
25 follows:)

1 MR. YANNETTI: Your Honor, my only issue is
2 that he has testified that the engine report is
3 not his. He did not write it. So there is no
4 authentication for that. I would not object to
5 his own report going in.

6 THE COURT: It is the same that you gave the
7 last witness --

8 MR. YANNETTI: Only to refresh memory.

9 THE COURT: I understand. I don't think
10 anybody realized they were two separate reports
11 before that. Who authored the other report,
12 Mr. Lally? Do you know?

13 MR. LALLY: I believe it would have been --
14 I'd have to look at it, but either Lieutenant
15 Woodbury or Firefighter Poch, one or the other.

16 THE COURT: All right. Would this witness
17 know?

18 MR. LALLY: I think I have a feeling that he
19 might not necessarily, offhand.

20 THE COURT: All right. So I'll allow his
21 report in. If you need to call Woodbury for just
22 that point --

23 MR. LALLY: I don't think so.

24 THE COURT: All right. And before you go, do
25 you want to mark the other report for

1 identification, Mr. Lally, the first part?

2 MR. LALLY: No.

3 (Whereupon, the sidebar conference concluded.)

4 MR. LALLY: With that addendum, I would seek
5 to introduce and admit that as the next exhibit.

6 THE COURT: Okay.

7 THE COURT REPORTER: Jason Becker's report,
8 Exhibit 383.

9 (Whereupon, report of Jason Becker was
10 entered and marked Exhibit No. 383 in
11 Evidence.)

12 MR. LALLY: And, Your Honor, with the Court's
13 permission, can I return the report to the
14 witness for his testimony?

15 THE COURT: Yes.

16 BY MR. LALLY:

17 Q Now, sir, when you first sort of arrive in
18 the area of Fairview Road, what, if anything, is it
19 that you first observe upon your arrival?

20 A Coming down the street or on scene?

21 Q Yes. Coming down the street.

22 A Coming down the street, I see police lights.
23 I can see the fire engine. And I believe there is one
24 black SUV.

25 Q And where is it that you and the ambulance

1 sort of park in reference to those other vehicles that
2 you see?

3 A I believe we parked -- if the SUV was facing
4 towards us, we parked to the left. I don't recall
5 where the police cruiser was, though.

6 Q And, when you first arrived there, who, if
7 anyone, is it that you first speak with when you get
8 there?

9 A When we got out of the ambulance, I passed
10 Officer Saraf and Officer Mullaney. They kind of
11 briefed us, and then I walked over to the black SUV.

12 Q And, when you walk over to the black SUV, who
13 is it that you observe in that black SUV?

14 A Two females.

15 Q And, of those two females, do you see one of
16 them in the courtroom today?

17 A I do.

18 Q Could you just identify as to where she is
19 seated or an article of clothing that she's wearing?

20 A Right over there with the jacket on.

21 MR. LALLY: I'd just ask that the record
22 reflect the identification of the defendant by
23 the witness.

24 THE COURT: Okay.

25 MR. LALLY: Thank you.

1 BY MR. LALLY:

2 Q Now, with respect to the defendant, Ms. Read,
3 where within the vehicle is she when you first come up
4 to the vehicle and observe her?

5 A From what I remember, she was in the front
6 passenger seat.

7 Q And what, if any, knowledge did you have as
8 far as the defendant, Ms. Read, and her relationship
9 to the earlier call that Ambulance 1 had been
10 dispatched to?

11 A Very little. I think we had gotten briefed
12 that she was the wife of the previous patient.

13 Q And was that something that she had stated or
14 something that somebody else had stated? Where does
15 that awareness come from?

16 A I believe it was one of the Canton police
17 officers that said it.

18 THE COURT: I'm sorry. What was that answer?

19 THE WITNESS: It was one of the Canton police
20 officers.

21 THE COURT: Okay.

22 BY MR. LALLY:

23 Q And so when you walk up to the car, what is
24 it that you say to her or what, if any, conversation
25 did you have with Ms. Read at that point?

1 A So I went up to the window, and I introduced
2 myself and just kind of asked what was going on.

3 Q And how did she respond to that?

4 A She was kind of pretty distraught. She was
5 crying. She kind of told us the statements she may
6 have made, she didn't mean it because of the current
7 events that she had just gone through.

8 Q And what, if anything, did she say about
9 that? What, if anything, did she say about what she
10 had gone through?

11 A That she had just done CPR on her husband.

12 Q And so she referred to him as her husband, as
13 well?

14 A Yes.

15 Q This conversation that you had sort of at the
16 side of the SUV, is that through the door, through the
17 window?

18 A From what I recall, it was through the
19 window.

20 Q And, at some point, does the conversation
21 move to the ambulance?

22 A Correct.

23 Q And about how long was the conversation at
24 the vehicle before the conversation shifted to the
25 ambulance?

1 A Probably 10 minutes.

2 Q And, as far as -- you're dispatched for a
3 psych or a Section 12, correct?

4 A Correct.

5 Q Can you explain to the jury sort of that
6 process just in general terms first as far as what
7 does that process entail?

8 A When we got on scene?

9 Q Yes.

10 A We go on scene. We kind of look at the
11 environment, see what the environment is like, see if
12 the patient is cooperative, uncooperative, what their
13 demeanor is, if there is any obvious self-harm. If
14 there is none, we kind of go up and talk to them, get
15 a rapport and ask some basic triage questions.

16 Q And is that sort of the policy or the
17 protocol or what you followed in this instance with
18 Ms. Read?

19 A Correct.

20 Q Now, beyond what she had indicated to you
21 initially, what, if anything, was she asking you
22 during the course of your conversation with her once
23 you were in the ambulance?

24 A She kept asking me if he was dead or could he
25 be dead.

1 Q Is that something that she said once or more
2 than once or something else?

3 A More than once.

4 Q And can you describe sort of the tone of her
5 voice when she was saying that?

6 A It was pretty -- it was kind of like a -- it
7 was a rapid kind of speech, a lot of repetitive.

8 Q And, as you were speaking with her, what, if
9 any, observations did you make of her facial area?

10 A She had blood on her face and her neck and
11 her chin. Blood around her mouth, her neck and chin.

12 Q And so with regard to sort of any earlier
13 suicidal statements, what, if anything, did she say in
14 relation to that?

15 A She said she made them because she just went
16 through traumatic events, seeing her husband dead and
17 she had no plan on acting on it.

18 Q Now, pursuant to a Section 12 call, what, if
19 anything, are you doing as far as documentation goes
20 with respect to vital signs, things like that?

21 A It depends on the situation. In a situation
22 of Ms. Read's, I took just regular vital signs, pulse
23 oximetry, heart rate. But for someone like a female
24 psych patient, it's more verbal.

25 Q And, as far as any of those sort of vital

1 signs and things that you took, what, if anything,
2 abnormal did you note in regard to that?

3 A Nothing too abnormal. The heart rate might
4 have been a little bit high but within normal range.

5 THE COURT: Could you please keep your voice
6 up, sir? Thank you.

7 THE WITNESS: Sorry. With the vital signs,
8 her heart rate was a little high. It was 98 but
9 it was nothing concerning.

10 BY MR. LALLY:

11 Q And, during the time that you're having this
12 conversation with her in the back of the ambulance,
13 how would you describe her demeanor throughout?

14 A She would have periods of calmness, and then
15 other periods she would appear agitated because she
16 didn't want to go to the hospital. But, all in all,
17 she was cooperative with us.

18 Q Now, at some point, there is -- she is
19 cooperative, correct, and agrees to go?

20 A Eventually, yes.

21 Q When you say "eventually," was there some
22 conversation related to that?

23 A We kind of mentioned to her basically what a
24 Section 12 is. And, unfortunately, she'd have to come
25 with us voluntarily or involuntarily.

1 Q So you were explaining the process to her; is
2 that correct?

3 A Correct.

4 Q And eventually she agrees to go, correct?

5 A Correct.

6 Q And as far as the transport goes, who, if
7 anyone, is in the back of the ambulance with her
8 during the transport period?

9 A Me and Firefighter Whitley.

10 Q And who, if anyone, was driving the ambulance
11 to the hospital?

12 A Firefighter Poch.

13 Q And which hospital did you transport to?

14 A To the Good Samaritan Hospital.

15 Q Now, during the course of transfer to the
16 hospital or transport to the hospital, what, if
17 anything else, did Ms. Read say with reference to
18 children?

19 A She was asking -- she was talking about
20 Mr. O'Keefe's children. She wasn't sure. She didn't
21 know if she would be able to take care of them. She
22 was worried about that. She was worried about who
23 would take care of the children if he was pronounced
24 dead.

25 Q And what, if anything, did she say about

1 herself in reference to the children?

2 A She didn't think that she could take care of
3 them on her own.

4 Q Now, as far as this other person or patient
5 from the earlier call, how did she refer to that
6 person in relation to herself?

7 A She was calling him husband.

8 Q Now, with reference to this particular --
9 with reference to Ms. Read in this conversation, what,
10 if anything, did she say in regard to the last time
11 that she had spoken to who she called her husband?

12 A She had said that they had gotten into an
13 argument. She was sad because that was the last thing
14 she had said to him, was the argument. But she didn't
15 go into detail and what the argument was about or what
16 was said.

17 Q Now, with regard to her speaking about sort
18 of the children, what, if any, further conversation
19 did either yourself or Firefighter Whitley have with
20 her in regard --

21 A With children?

22 Q Yes.

23 A I don't recall.

24 Q The other female party that Ms. Read was
25 initially with in the vehicle when you first arrived,

1 did you know who that was?

2 A I don't know who she was.

3 Q And, at any point in time subsequent to that,
4 did you learn who she was?

5 A I did.

6 Q And who did you learn her to be?

7 A She was Ms. Kerry Roberts.

8 Q And, with relation to your conversation with
9 Ms. Read on that day of January 29th, what, if
10 anything, did she say about Ms. Roberts?

11 MR. YANNETTI: Objection.

12 THE COURT: Sustained.

13 BY MR. LALLY:

14 Q With regard to the sort of medical questions
15 that you were asking, from those medical questions,
16 what, if any, questions would you typically ask
17 someone with relation to consumption of alcohol or
18 drugs?

19 A Probably in the psych assessment, I had asked
20 if she had taken any drugs or alcohol. And she denied
21 it at that point.

22 Q She had not, correct?

23 A Correct.

24 Q The observations that you testified to
25 earlier in regard to her -- and, by "her," I mean Ms.

1 Read's demeanor, did that change at all during the
2 course of your interaction with her, or was that
3 consistent throughout?

4 A Demeanor as in --

5 Q That's a poorly phrased question. I am going
6 to try and rephrase it for you.

7 So with regard to her demeanor throughout the
8 course of your interaction with her, how would you
9 describe that?

10 A So she was cooperative and she would be calm
11 and then eventually she would get a little agitated
12 and repetitive questions. So she seemed distraught.

13 Q Now, with respect to the person she indicated
14 was her husband, what, if any, questions did she ask
15 either you or Firefighter Whitley or both in relation
16 to him?

17 A She was asking if he was dead, could he be
18 dead, could he be dead. And she said, could I have
19 hit him.

20 Q Was that something that she asked once or
21 more than once?

22 A It wasn't a lot. It was more could he be
23 dead, could he be dead.

24 Q So somewhat repetitive; is that correct?

25 A Correct.

1 MR. LALLY: Just one moment, Your Honor?

2 THE COURT: Yes.

3 BY MR. LALLY:

4 Q I'm sorry. Firefighter Becker, just for my
5 own clarification, you had testified earlier that when
6 you first arrived on scene and you first spoke with
7 Ms. Read, she indicated that there were some
8 statements that she -- she said that there were some
9 statements that she did not mean, correct?

10 A Correct. Suicidal statements.

11 Q Exactly. So my question is that was in
12 reference to the suicidal statements she had made
13 prior to your arrival, correct?

14 A Correct.

15 Q Not to any subsequent statements, correct?

16 A Correct.

17 MR. LALLY: Nothing further.

18 THE COURT: All right. Cross-examination.

19 MR. YANNETTI: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. YANNETTI

22 Q Good afternoon, sir.

23 A Good afternoon.

24 Q You and I have never met, right?

25 A I don't believe so.

1 Q I wanted to go back to one piece of testimony
2 that you offered on direct examination, if I may.

3 A Sure.

4 Q You had, in response to a question from the
5 prosecutor about the medical history and your question
6 to Ms. Read about whether she had had any alcohol to
7 drink, I believe your answer today was she denied
8 having drunk alcohol the night before?

9 A At the time that she was -- I mean, I didn't
10 -- I don't know if she drank alcohol before. But, at
11 that time, I asked if she had any drugs or alcohol.
12 She said no.

13 MR. LALLY: I'm sorry. I just didn't hear
14 the answer.

15 THE COURT: You need to keep your voice up
16 and speak directly into the microphone.

17 THE WITNESS: Sorry. I asked her if she had
18 any drugs or alcohol, and she said no.

19 BY MR. YANNETTI:

20 Q Oh, if she had any drugs or alcohol?

21 A Taken any drugs or alcohol. She said no.

22 Q Did you specify a time period?

23 A I just assumed in the last few hours for the
24 reason why we were there.

25 Q Oh, I see. Okay. So you --

1 A I'm not sure if she had alcohol days prior,
2 but the reason why we were there.

3 Q Was it your understanding that the two of you
4 had an understanding of what you were asking?

5 A Sure.

6 MR. LALLY: Objection. Move to strike, Your
7 Honor.

8 THE COURT: The objection is sustained. It's
9 stricken. Ask the question again, Mr. Yannetti.

10 MR. YANNETTI: Sure. Thank you, Your Honor.
11 BY MR. YANNETTI:

12 Q So I guess with regard to your intent and
13 your state of mind when you were asking that question,
14 you were asking had you taken any drugs or alcohol
15 within the last few hours? That's what you meant to
16 ask?

17 MR. LALLY: Objection.

18 THE COURT: So the objection is sustained.

19 BY MR. YANNETTI:

20 Q What did you specifically ask?

21 A So when I ask a patient if any drugs or
22 alcohol, I'm talking about at that point in time, but
23 an hour before, two hours before, not days before or
24 weeks before.

25 Q Okay. And this was at 6:40 in the morning,

1 correct?

2 A Correct.

3 Q Did you smell any alcohol on her at that
4 time?

5 A I did not.

6 Q Okay. You would agree that she did tell you
7 at some point that she had had alcohol the night
8 before, correct?

9 A No.

10 Q All right. So this is now -- what is today?
11 May 3rd of 2024?

12 A Correct.

13 Q This happened back on January 29th of 2022?

14 A Correct.

15 Q You were interviewed by a Trooper Michael
16 Proctor on February 14th of 2022. Do you recall that?

17 A I recall meeting with him, yes.

18 Q And February 14th of 2022 would have been a
19 little bit more than two weeks after January 29th of
20 2022, correct?

21 A Correct.

22 Q Your memory of what Karen Read told you about
23 whether she had anything to drink the night before
24 would have been much better on February 14th of 2022
25 when you were talking to Trooper Michael Proctor than

1 it would be today, correct?

2 A Correct.

3 Q Because your memory doesn't get better over
4 time, correct?

5 A In certain circumstances, sure.

6 Q All right. And, with regard to whether Karen
7 had indicated that she took any drugs, you told
8 Trooper Proctor she said that she had not, correct?

9 A Correct.

10 Q With regard to whether she had had alcohol
11 the night before, you told Trooper Proctor on February
12 14th of 2022 that she did consume alcohol last night,
13 correct?

14 MR. LALLY: Objection, Your Honor.

15 THE COURT: I'll see you at sidebar.

16 (Whereupon, there was a sidebar conference as
17 follows:)

18 THE COURT: So what is the objection?

19 MR. LALLY: Your Honor, essentially, counsel
20 is just reading from the report without any sort
21 of indications from the witness that his memory
22 is exhausted as to that or what he told. He is
23 reading Trooper Proctor's report and asking him
24 if he agrees with it.

25 THE COURT: Okay. The objection is

1 overruled. You can do that.

2 MR. LALLY: Thank you.

3 (Whereupon, the sidebar conference concluded.)

4 MR. YANNETTI: With your permission, I'll
5 repeat the question.

6 BY MR. YANNETTI:

7 Q You told Trooper Proctor on February 14th of
8 2022 that Karen had told you that she did consume
9 alcohol the pervious night, correct?

10 A That's in his notes.

11 Q Well, is your memory exhausted as to whether
12 you told him that?

13 A I don't recall.

14 Q If you saw his report with your statements in
15 it, would that refresh your memory?

16 A Sure.

17 Q It's a two-page report. I'll give them both
18 -- actually, it's a two-page report. I'll give you
19 both pages, but I have highlighted a line on the
20 second page. So I would direct you to that.

21 MR. YANNETTI: May I approach?

22 THE COURT: Yes. And take your time reading
23 it, sir.

24 BY MR. YANNETTI:

25 Q Yes. Please read it silently to yourself and

1 look up at me when you're done.

2 A (Witness complies.) So I did say she --

3 THE COURT: So, Mr. Becker, wait for a
4 question.

5 THE WITNESS: I'm sorry.

6 THE COURT: But, also, you have to keep your
7 voice up. I'm close to you, and I'm having
8 trouble hearing you. Most of the jurors are
9 further away.

10 BY MR. YANNETTI:

11 Q The way this works is I have to collect that
12 from you and then ask you a question. Okay?

13 A All set.

14 MR. YANNETTI: May I approach, Your Honor?

15 THE COURT: Yes.

16 BY MR. YANNETTI:

17 Q Having reviewed that document, does that
18 refresh your memory as to whether or not Karen Read --
19 strike that.

20 Having reviewed that report, does that
21 refresh your memory as to the fact that you --

22 THE COURT: Does that refresh your memory.

23 BY MR. YANNETTI:

24 Q Does that refresh your memory?

25 A It does.

1 Q Okay. Did you tell Trooper Proctor on
2 February 14th that Karen Read had told you on January
3 29th that she had consumed alcohol the night before
4 that?

5 A Yes.

6 Q Okay. Is it fair to say that when you were
7 listening to her talk at times that her speech was
8 very rapid?

9 A Correct.

10 Q And particularly when she had said the words,
11 you know, "is he dead, is he dead," she would repeat
12 it repetitively, correct?

13 A Correct.

14 Q And she was fixated on that, correct?

15 A Correct.

16 Q And, with regard to the last interaction that
17 she spoke about with whom you thought she said, her
18 husband, she didn't give you any detail about that,
19 correct?

20 A She did not.

21 Q You don't know whether it was an in-person
22 communication?

23 A That wasn't my position to ask more details
24 about that.

25 Q And I'm not criticizing you, sir. I'm just

1 trying to get to what your knowledge was in terms of
2 the information you got from her.

3 So she didn't specify that it was an in-
4 person communication, correct?

5 A No.

6 Q She didn't specify as to whether it was a
7 phone conversation?

8 A She did not.

9 Q She didn't specify whether it was a text
10 message exchange back and forth?

11 A She did not.

12 Q And she didn't specify whether it was an
13 angry voicemail that she left, correct?

14 A She did not.

15 MR. YANNETTI: No further questions. Thank
16 you.

17 MR. LALLY: Just one moment, Your Honor?

18 THE COURT: Okay.

19 MR. LALLY: I have nothing further for this
20 witness, Your Honor.

21 THE COURT: All right. Mr. Becker or
22 Firefighter Becker, you are all set.

23 (Whereupon, the witness is excused.)

24 THE WITNESS: Thank you. Sorry about that.

25 THE COURT: That's okay. You can leave that

1 right where it is. Thank you, sir.

2 Your next witness, Mr. Lally?

3 MR. LALLY: Your Honor, may we approach?

4 THE COURT: Sure.

5 (Whereupon, there was a sidebar conference as
6 follows:)

7 THE COURT: What's Tony's name? Call him
8 over please. Could you come over, please?

9 THE COURT OFFICER: Yes, Your Honor?

10 Court Order: Jurors or Juror Issues

11
12
13
14
15 THE COURT: Thank you. I appreciate that.
16 Thank you very much.

17 All right. Mr. Lally, why did you want to
18 come to side bar?

19 MR. LALLY: Your Honor, just in regard to
20 scheduling. I know the Court -- I'm fine to keep
21 going with the next witness, who will be
22 Lieutenant Gallagher. I remember the Court
23 saying something about sometime at the end today.

24
25 THE COURT: A jury is never going to mind

1 leaving a few minutes early on a Friday. Is that
2 what you'd prefer to do?

3 MR. YANNETTI: That's perfectly fine.

4 MR. LALLY: I think rather than starting with
5 his testimony and --

6 THE COURT: Okay. So I am going to let them
7 go now. You all stick around.

8 MR. LALLY: Great. Thank you.

9 (Whereupon, the sidebar conference concluded.)

10 THE COURT: So, jurors, it makes sense that
11 rather than starting with another witness, I
12 figure it's a Friday afternoon. It's been a long
13 week for you all. We will excuse you at this
14 point.

15 So please, do not discuss this case with
16 anyone. Don't do any independent research or
17 investigation into this case. If you happen to
18 see, hear or read anything about this case.
19 disregard it and let us know. Have a great
20 weekend. Monday will be a full day. We will see
21 you first thing Monday morning.

22 (Whereupon, the jury is escorted from the
23 courtroom and excused for the weekend at 3:40
24 p.m.)

25 THE COURT: I think there is an exhibit on

1 the witness stand.

2 All right. Since because I've decided that
3 it makes more sense to do exhibits the old-
4 fashioned way because it's simply not working
5 out, my suggestion is that we will take what we
6 have that have actually been introduced because
7 most -- I know you premarked nearly 600 exhibits.
8 They have not been introduced into evidence. So
9 we have numbers one, two, three, four, seven,
10 eight, nine, 14, 18, and there are additional
11 that are in the 300s and 200s.

12 So what I would like to do is take all of
13 these -- and I know Madam Court Reporter has been
14 great sticking around late during the week to
15 premark things. This is more important to me
16 that we get the record straight from this point.
17 I would prefer the jurors to have the exhibits in
18 order and not have numbers 200 and 300 in where
19 they should be 15 and 16.

20 So what I would like you to all do is take a
21 look at the exhibits that have actually been
22 introduced, their prior numbers. If you have
23 referred to them by their prior numbers, I will
24 permit you for the rest of the trial to say
25 "previously referred to as 308 but now Exhibit

1 15," until you feel you don't need to do that
2 anymore. So it means that things are going to
3 have to be renumbered.

4 So Madam Court Reporter, is there anything
5 else we need to discuss or anything else you need
6 from the lawyers?

7 THE COURT REPORTER: Just what the next
8 exhibit number will be.

9 THE COURT: You've got a list of everything -
10 - everything that's been introduced. Do you need
11 me to do this or is this something you can all do
12 with Madam Court Reporter? And I want to come
13 out and make sure it's right.

14 All right. So why don't you all take 10
15 minutes to see if you can work this through.
16 I'll come out at the end of 10 minutes to see
17 what you have and we will make sure the record is
18 clear.

19 Does that make sense to everybody?

20 MR. LALLY: It does. The only thing that I
21 would ask to add to that, Your Honor, is in
22 conformity with the Court's ruling as far as with
23 action to the run sheets and the run reports.
24 I'm not sure if they've been stickered or not,
25 but they are medical records with regard to both

1 the defendant and the victim that would be in
2 there. And I would ask for them to either be
3 marked for identification or taken out at this
4 point. Ms. McLaughlin indicates they
5 haven't been marked yet. So I would just ask to
6 sort of retrieve them.

7 THE COURT: All right. So that's sort of the
8 second point. I assume there are many, many,
9 many pages of medical records. And one of the
10 things I told you this morning is if records are
11 going to be introduced subject to redactions,
12 those redactions have to be done before they are
13 introduced. It's going to take some time. So
14 you have to be -- if you're not in agreement,
15 then you need to tell me what you're not in
16 agreement over and I'll have to decide it. But
17 they need to be redacted beforehand just because
18 this is a long trial. I don't want it to take
19 any longer than it necessarily has to be. And we
20 have to make sure all of the exhibits are in
21 order, especially if they do end up numbering in
22 the hundreds.

23 All right? So factor that into your
24 schedule. We've got many days that we won't be
25 in session. It seems like a good use of

1 counsel's time to redact records and talk. If
2 you need additional time, you need to cut into
3 the evidence, I'd prefer not to but I need to
4 know. All right?

5 So I have received from the Commonwealth all
6 of the videos that I requested. I received a
7 flash drive today. When can I get the videos --
8 I thought I was clear yesterday. Apparently I
9 wasn't. So when can I get all of the videos that
10 the defendant intends to introduce? I had hoped
11 to look at them over the weekend.

12 MR. JACKSON: We can do -- it's not a matter
13 of getting them onto a flash drive. That's
14 quick. It's just a matter of getting them to the
15 Court. So I would invite the Court to direct us
16 how -- if you want to use the weekend, let us
17 know. We work on Saturdays and Sundays.

18 THE COURT: So you can't do it today? You
19 can't do it before you leave? Your IT guy --

20 MR. JACKSON: I might be able to.

21 THE COURT: If you can do it before you
22 leave, if you can just download it onto a flash
23 drive, that would be -- do you want to go talk to
24 him?

25 MR. YANNETTI: He might be able to do it.

1 MR. JACKSON: We may be able to do that.

2 THE COURT: Why don't you talk to him.

3 (Whereupon, there was a brief pause.)

4 MR. JACKSON: Yes.

5 MR. YANNETTI: Yes. We won't leave until we
6 give them to you.

7 THE COURT: That would be great. And,

8 Mr. Yannetti, yesterday you did say that you'd
9 also give me some idea on why you think they are
10 coming in.

11 MR. YANNETTI: Sure.

12 THE COURT: Okay. So if you have that, that
13 would be great.

14 MR. YANNETTI: Yes.

15 THE COURT: All right.

16 MS. LITTLE: I just want to be sure I'm very
17 clear about what the Court would like. We've
18 provided the double videos, the ones that we had
19 put the Goode and Saraf's cameras together. The
20 Court wants every single video that we intend to
21 produce?

22 THE COURT: Yes.

23 MS. LITTLE: For the rest of trial?

24 THE COURT: Yes.

25 MS. LITTLE: Okay. Understood.

1 THE COURT: All right. And that is what I
2 requested from both of you. I received --

3 Ms. Gilman, tell me if I'm wrong, but Mr.
4 McDermott handed me a flash drive today that said
5 this was all the Commonwealth's video exhibits.

6 MS. LITTLE: And that was after we met this
7 morning, correct?

8 MS. GILMAN: Yes.

9 MS. LITTLE: Okay.

10 THE COURT: All right. So that will be
11 great. I want to know what's on them. I was
12 surprised yesterday, and I shouldn't be
13 surprised.

14 MR. YANNETTI: Understood.

15 THE COURT: Okay. So I'll come out after you
16 remark the exhibits.

17 Do you need a break before that, Madam Court
18 Reporter?

19 THE COURT REPORTER: No, Your Honor.

20 (Whereupon, the Court steps from the bench.)

21 (Court resumes at 4:55 p.m.)

22 (Defendant present. Jury not present.)

23 THE CLERK: We are back on the record on the
24 Read matter.

25 THE COURT: All right. So I appreciate

1 counsel staying and straightening this out and I
2 appreciate the support from the clerk's office
3 and Madam Court Reporter.

4 So previously marked Exhibits 1 through 6
5 that were all entered on 4/29 will remain as
6 Exhibits through 6.

7 Are you in agreement with that, Mr. Lally?

8 MR. LALLY: Yes, Your Honor.

9 THE COURT: Are you in agreement with that,
10 Ms. Little?

11 MS. LITTLE: Yes, Your Honor.

12 THE COURT: Previously marked, and I'm not
13 going to go through the dates that they were
14 previously entered, though I have those. But
15 previously marked Exhibit 8 is now Exhibit 7.
16 Exhibit 9 is now Exhibit 8. Exhibit 14 is now
17 Exhibit 9. And those were previously marked with
18 the dates they were entered. I have 4/29. And
19 they will have today's date on them because we
20 are remarking them today just to keep all the
21 exhibits close together.

22 Eighteen is now 10. Twenty-four, I know you
23 all agree is in evidence and is now 11. I did
24 not have it as being introduced into evidence.
25 But, if that's your agreement and understanding,

1 I will do that today. So 24 will now be marked
2 as Exhibit 11. Twenty-five is Exhibit 12.
3 Twenty-six. Again, I don't have it down as being
4 admitted. I will let it in because you are in
5 agreement. For today's purposes, I will. It's
6 now 13. That is a USB drive. What is it a USB
7 drive of, previously marked 26?

8 THE CLERK: The notes seem to indicate 683
9 and 982 side by side.

10 MS. LITTLE: I can tell you. One moment.

11 MR. LALLY: It's Officer Saraf's cruiser cam
12 video and Sergeant Goode's cruiser cam video.

13 THE COURT: So there was one of those that is
14 not in evidence and I'm not letting in evidence.
15 So are these two different ones of the same
16 thing?

17 MS. MC LAUGHLIN: You were provided with
18 both, Your Honor.

19 THE COURT: I was provided with both?

20 MS. MC LAUGHLIN: This morning, yes.

21 THE COURT: Okay. All right. So let's hold
22 off on 26, and I'd like the opportunity to look
23 at it.

24 MS. LITTLE: Do you still want a description?
25

1 THE COURT: Sure. I think Mr. Lally just
2 said it, but go ahead Ms. Little. What's the
3 description?

4 MS. LITTLE: It's the Goode and Saraf videos
5 that are side-by-side. And that is the regular
6 screen version, not the wide-screen version.

7 THE COURT: Okay. Thank you. I will look at
8 those. I know you provided me those this
9 morning.

10 All right. Twenty-five is now 12. I'm
11 sorry. I just did that, right?

12 THE CLERK: Yes.

13 THE COURT: And 26, that's what we just did.
14 Twenty-seven is now 14.

15 THE CLERK: Could I just back up? So 26 just
16 for now is 13, just so they'll take a look at it
17 and see --

18 THE COURT: Yes. I'm looking at both 24 and
19 26.

20 THE CLERK: And then 27 is now 14.

21 THE COURT: 160 is now 15. 379 has been
22 marked as 16. That's a place holder. Mr.
23 Yannetti asked me to take that de bene. That's
24 not yet in evidence. So if it comes into
25 evidence, we will keep it as No. 16. If it

1 doesn't come into evidence, we will go without a
2 No. 16.

3 380 is the flash drive that I believe that
4 Mr. Yannetti put in yesterday. That's now 17.
5 381 is a photograph. That's now 18. 382, the
6 autopsy photograph of Mr. O'Keefe's arm, is now
7 19, and 383 is the report of Firefighter Becker
8 and is now 20.

9 So is the Commonwealth in agreement with
10 everything that I just listed?

11 MR. LALLY: Yes, Your Honor.

12 THE COURT: And is the defense in agreement
13 with everything I just listed?

14 MS. LITTLE: Yes.

15 THE COURT: Okay. Great. So they will have
16 today's dates marked, even though some of them
17 were admitted on the 29th, 30th and the 2nd.

18 (Whereupon, photograph previously marked as
19 Exhibit No. 8 is remarked as Exhibit No. 7 in
20 Evidence.)

21 (Whereupon, photograph previously marked as
22 Exhibit No. 9 is remarked as Exhibit No. 8 in
23 Evidence.)

24 (Whereupon, photograph previously marked as
25 Exhibit No. 14 is remarked as Exhibit No. 9 in

1 Evidence.)

2 (Whereupon photograph previously marked as
3 Exhibit No. 18 is remarked as Exhibit No. 10 in
4 Evidence.)

5 (Whereupon, photograph previously marked as
6 Exhibit No. 24 is remarked as Exhibit No. 11 in
7 Evidence.)

8 (Whereupon, CD of video from Canton Police
9 Department as they go to the scene, previously
10 marked as Exhibit No. 25 is remarked as Exhibit
11 No. 12 in Evidence.)

12 (Whereupon, thumb drive with Officer Saraf's dash
13 cam footage, previously marked as Exhibit No. 26
14 is remarked as Exhibit 13 in Evidence.)

15 (Whereupon, Canton Police dispatch log,
16 previously marked Exhibit No. 27 is remarked as
17 Exhibit No. 14 in Evidence.)

18 (Whereupon, patient care report, previously
19 marked as Exhibit No. 160 is remarked as Exhibit
20 No. 15 in Evidence.)

21 (Whereupon, thumb drive, previously marked as
22 Exhibit No. 379 is remarked as Exhibit No. 16 in
23 Evidence.)

24 (Whereupon, thumb drive re: scene, previously
25 marked as Exhibit No. 380 is remarked as Exhibit

1 No. 17 in Evidence.)

2 (Whereupon, photograph, previously marked as
3 Exhibit No. 381 is remarked as Exhibit No. 18 in
4 Evidence.)

5 (Whereupon, photograph of arm, previously marked
6 as Exhibit 382 is remarked as Exhibit No. 19 in
7 Evidence.)

8 (Whereupon, report of Firefighter Becker,
9 previously marked as Exhibit No. 383 is remarked
10 as Exhibit No. 20 in Evidence.)

11 THE COURT REPORTER: And, Your Honor, one
12 final thing while we are on exhibits?

13 THE COURT: Yes?

14 THE COURT REPORTER: I have Exhibit "A" that
15 was entered on the 12th during the pretrial
16 hearing needs to be formally marked. It was
17 admitted but the sticker never got onto it. It
18 was the bodycam of the second arrest, a little
19 film clip that was played during the motion
20 hearing, the hearings on the 12th.

21 MR. YANNETTI: We just didn't have it to mark
22 it.

23 THE COURT REPORTER: We didn't. But it was
24 entered, and it was given "A".

25 MR. YANNETTI: But it was entered.

1 THE COURT REPORTER: So I've been carrying
2 this around.

3 THE COURT: Okay. So we need the actual
4 flash drive.

5 THE COURT REPORTER: Just while we are on
6 exhibits, I just thought I'd mention it.

7 THE COURT: All right. So you need that for
8 Monday morning.

9 THE COURT REPORTER: Just whatever clip was
10 shown on the 12th.

11 MR. LALLY: Sure. I mean, it was part of the
12 larger -- I mean, as far as I'm concerned, we had
13 provided, I think, the Court with the entirety of
14 the clip.

15 THE COURT: What is it?

16 MR. LALLY: It was the body-worn camera from
17 the arrest at the --

18 THE COURT REPORTER: You're allowing the
19 audio.

20 THE COURT: Oh, okay. This is the state
21 police barracks.

22 MR. LALLY: Correct.

23 THE COURT: Okay. So you need another copy
24 unless I have one somewhere.

25 MR. LALLY: Correct. If you wanted to use

1 the copy we gave the Court, that's fine. If not,
2 I can ask Ms. Gilman to --

3 THE COURT: Maybe Ms. Gilman should just do
4 it.

5 MR. LALLY: Okay. That's fine.

6 THE COURT: All right. We will have that for
7 you first thing Monday morning.

8 Anything else we need to discuss?

9 MR. LALLY: Not from the Commonwealth.

10 MR. YANNETTI: We are going to have a voir
11 dire on Lank.

12 MR. LALLY: Okay. Yes. And, again, I just
13 wanted to let the Court know that. I anticipate
14 that we will get to him on Monday. So that's
15 something.

16 THE COURT: Yes. The defendant wants to
17 introduce the evidence against Sergeant Lank, and
18 I said we'd have a voir dire. We will have a
19 voir dire.

20 MR. LALLY: Okay.

21 THE COURT: All right. Thank you very much.

22 MR. LALLY: Thank you, Your Honor.

23 (Whereupon, the Court adjourned.)
24
25

C E R T I F I C A T E

I, Paula M. Mills, retired certified court reporter, do hereby certify that the foregoing pages, page 10-5 to 10-216, is a true and accurate transcription of the voice recording in the aforementioned matter to the best of my skill and ability.

This, the 28th day of February, 2025.

\s\ Paula M. Mills

Paula M. Mills

Retired Certified Court

Reporter and Court

Transcriptionist